



Appeal Decision

Site visit made on 13 June 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/G1580/D/23/3316630

2 Sevenoaks Road, Orpington, BR6 9JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Khurm Chaudry against the decision of Bromley London Borough Council.
 - The application Ref DC/00522/FULL6, dated 5 February 2022, was refused by notice dated 9 February 2023.
 - The development proposed is side extension on first floor and alter loft conversion to the left side flank. Loft to incorporate dormers to the front and side.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the proposal on the host dwelling and the surrounding area; and ii) the effect on the living conditions of neighbours, with particular regard to the privacy of the occupiers of No.4 Sevenoaks Road.

Reasons

3. The appeal site currently contains a 2-storey detached dwelling, red brick to the ground floor with a tile-hung first floor. The roof is of hipped form, with a central ornamental gable set into the front slope. It has a pleasing traditional appearance. It is flanked by the Conservative Club to the south and a three-storey flatted development, Chevening Court, to the north, separated by a narrow access road, Bradsted Close. There is a recent planning permission for the appeal property that includes a ground floor extension above which the proposed first floor extension would be erected. This ground floor extension would fill the side space between No.2 Sevenoaks Road and No.4 – the Conservative Club.
4. Whilst the National Planning Policy Framework (the Framework) is referred to by the appellant, the starting point is the local development plan. This consists of the London Plan 2021, and Bromley Local Plan 2019 (BLP). It is the policies of the latter that are particularly relevant to the matters in this appeal.
5. Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high-quality design that respect the

scale and form of the host dwelling and are compatible with surrounding development. The emphasis on high quality design is in conformity with both the London Plan and the Framework. Policy 8 of the BLP is also highly relevant to the matters raised in the first issue. This requires a minimum of 1m space from the side boundary to prevent extensions which would be harmful to the spatial standards of its residential areas and would result in a terracing effect. This minimum of 1m spacing is required for the full height and length of the building.

6. The objective of policy 8 is to safeguard the amenities of the neighbouring property and prevent a cramped appearance and terracing. In this case, I do not regard the safeguarding of the amenities of the neighbouring property (No.4, the Conservative Club) as being particularly at risk, but the 1m separation element of this policy is clearly breached by the proposed first floor extension. In this connection, it is of some importance to take account of the fact that the No.4 has an existing ground floor side extension that extends to the boundary with No.2.
7. The first floor extension in the appeal proposal would not produce a terracing effect, but it would close the gap between the 2 buildings to a considerable extent, which I consider would produce a somewhat cramped appearance. Furthermore, permitting the appeal proposal would make it more difficult to resist any application for a first floor over the existing ground floor extension to No.4. This would be at odds with the general form of development on this part of Sevenoaks Road.
8. It is suggested by the appellant that there is a 'precedent' set with a permission granted for a first floor side extension at No.15 Sevenoaks Road, said to be identical to the appeal proposal. However, there are material differences between the two: the No.15 extension is clearly subservient to the original building, being set back from the frontage and having a lower roof line. What it does demonstrate, insofar as it has a gap with its boundary of something less than a metre, is the cramped appearance that this brings. Thus I do not find that this comparison supports the appeal.
9. Turning to the proposed dormer windows, these are both of poor design in terms of their proportions, the detailing of their hipped roofs and being set high in the roof slope, close to the ridge. Of the 2, it is of course the front dormer that is primarily of concern, and this has the additional factor of being poorly related to the central gable feature. Thus the front elevation at roof level would become unbalanced and the dormer would appear incongruous in this context.
10. For these reasons I consider that the proposed side extension is unacceptable as being contrary to policy 8 of the BLP, and the dormers are poorly designed and do not meet the requirement for high quality design set out in the local policy and the Framework. The combined effects would be harmful to the existing dwelling and the surrounding area.
11. Turning to the second issue, the officer's report notes that "*The side dormer would serve a bedroom and would achieve oblique views into the rear garden of Number 4 which could result in an undue loss of privacy. Given the scale and siting of the development, it is felt that this would create an unneighbourly addition and there would be a detrimental impact on the occupiers of the adjoining property in regards to loss of privacy from the side facing dormer window serving a habitable room*". Against this the appellant points out that

No.4 has a ground floor rear extension running back 10m from the original rear wall of the building.

12. It appears to me that the depth of this rear extension may well be more than 10m, but an oblique view from the side dormer would be far less intrusive to privacy than normal first floor bedroom windows on rear elevations, which are quite normal in residential developments. Therefore I do not regard this issue as one that justifies the refusal of permission.

Conclusions

13. I have taken account of all other matters raised, including the various references to paragraphs of the Framework. However, these references are primarily to general policy relating to how local planning authorities should approach decision making. I also have noted the numerous examples of dormer windows on Sevenoaks Road that are referred to by the appellant, but whilst a few of these may exhibit characteristics that are similar in some respects to the appeal proposal, for the most part they do not show the features that I have found unacceptable. But even if some were identical to those proposed, that would not be a good argument for permitting unacceptable design.
14. The appeal form sought permission for the proposed development in full or, failing that, in part. The first option would retain the dormers, and therefore, in the light of my conclusions, this would not be acceptable. The other 2 options are not entirely clear, would require new drawings, and would retain first floor extensions. They are therefore options that I cannot entertain, since new details would be required and/or they would retain features that I have found unacceptable.
15. Whilst I have found that the matter of intrusion to the privacy of the rear outdoor space of No.4 is not made out, I have concluded, for the reasons that I have given above, that the effects of the proposed side extension and the dormers would be harmful to the existing dwelling and the surrounding area. I will therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR