The Planning Inspectorate

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: **28th June 2023**

Appeal Ref: APP/G1580/D/23/3317380
27 Oxhawth Crescent, Petts Wood, Bromley, BR2 8BJ

- 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 Charlotte Streather against the decision of Bromley London Borough Council.
- The application Ref DC/22/03919/FULL6, dated 5 October 2022, was refused by notice dated 5 December 2022.
- The development proposed is single storey front, rear, side, and loft extension with hip to gable extension and front and rear dormers.

Decision

1. The appeal is allowed and planning permission is granted for single storey front, rear, side, and loft extension with hip to gable extension and front and rear dormers at 27 Oxhawth Crescent, Petts Wood, Bromley, BR2 8BJ in accordance with the terms of the application, Ref DC/22/03919/FULL6, dated 5 October 2022, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the submitted plans, drawing Nos.P00, Site and Block Plan; P11 Proposed Ground Floor Plans; P12, Proposed First Floor Plan; P13, Proposed Roof Plan; P14, Proposed Elevations; and P14 Existing and Proposed North West Elevations.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those shown on the drawings listed in condition 2 and as listed under the heading 'Materials' on the application form for Householder planning permission.

    4) Before the development hereby permitted is first occupied, the window in the proposed north-west side elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and the window shall be permanently retained as such.

Preliminary matters

2. The application form described the proposed development as "demolition of existing outbuilding, erection of rear, side and loft extension with hip to gable

extension and front and rear dormers". The officer's report and the refusal notice amended the description to that which I have used in the heading above. I consider that this more completely describes the proposed development.

Main Issue

3. The main issue in this case is the effect of the proposed front dormer on the appearance of the host dwelling, the streetscene and the character of the area.

Reasons

4. The policies of the Bromley Local Plan, 2019 (BLP) emphasise the importance of good design. Policies 6 and 37 of the BLP and the council's Supplementary Design Guidance are the most relevant with regard to the main issue in this case. They are in accord with the National Planning Policies Framework (the Framework).

5. The property is a three-bed semi-detached bungalow located on the east side of Oxhawth Crescent, on the outskirts of Petts Wood. The road has a mixture of 1930's semi-detached houses and semi-detached & detached bungalows, with a variety of architectural design and detail. The adjoining dwelling (no 25.) has an existing large side extension, which sits higher than the soffit and fascia to the main house, having a part pitched and part flat roof to the side elevation. The rear dormer to this bungalow is visible in the streetscene as it forms part of the flank elevation.

6. Whilst the appeal proposal is for quite extensive extensions to the existing bungalow, the refusal reason relates only to the front dormer element. The officer's report deals with the front dormer in this way: "*The front dormer is constructed out* (of) *matching materials as the host dwelling, however whilst it is noted there are other examples of front dormers in the road, these are not in the immediate area and as such this element is considered to result in an incongruous form of development detrimental to the design of the host dwelling and the character of the area generally*".

7. The most relevant policy of the BLP is Policy 6, which deals with 'Residential Extensions'. There is nothing in Policy 37 'General Design of Development' that seems to me to add to the matters to be decided in the issue in this case. Although the officer does not refer to the detail of policy, it would seem that what was in mind, was part c of Policy 6. This states: *c – dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area*." It would seem that it is the text relating to a dormer on a prominent roof pitch that makes the proposed front dormer not acceptable, unless dormers are a prominent feature of the area. I take the word 'prominent' to refer to roof pitches that are plainly visible from the public domain. Thus this element of the policy would be breached by a dormer on a front roof slope, or in a prominent side facing roof slope, unless dormers are a feature of the area.

8. To achieve an understanding of the intentions of this policy it is necessary to interpret the meaning of 'area' in the phrase 'a feature of the area'. Quite clearly, in ordinary speech, area can mean a neighbourhood, a village or even an area far greater in extent. In a local plan policy, area is likely to mean, at its widest, the local planning authority area. In Policy 6, I do not think that the

extent of an area can be limited to the space occupied by a single dwelling and its immediate neighbours – say half a dozen houses. What I consider is likely to be an area within which people might notice a particular form of development as being a common feature, is a street, or part of a street where the street is very long.

9. For a suburban area, Oxhawth Crescent is not overly long, and it might reasonably be taken as an 'area' for the purposes of Policy 6. If this is a sensible interpretation, then dormer windows in front roof slopes are a feature, as perhaps a dozen dormer windows are prominent in this road, and a few others are to be seen in views of side elevations. On that basis, the proposed front dormer to the appeal property does not conflict with Policy 6.

10. Looking at the proposed dormer in terms of its details, it is set down from the ridge of the pair of semi-detached bungalows, and a reasonable distance away from the centre point where the 2 ownerships divide. It is also a good distance in from what is to become a gable end, and it relates comfortably with the forward projecting gable on the eastern side of the bungalow.

Conclusions

11. For the above reasons I conclude that the proposed front dormer would not conflict with Policy 6 of the BLP and would not have a harmful effect on the streetscene or the character of the area. Furthermore, the design and placing of the dormer in the front slope of the roof has a satisfactory relationship with the front elevation of the appeal dwelling and its neighbour. For these reasons I will allow the appeal.

Conditions

12. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the text, particularly condition 3 relating to materials. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure the materials are of a satisfactory appearance and integrate well with the existing bungalow. The fourth condition is necessary to protect the neighbouring property from a loss of privacy.

Terrence Kemmann-Lane

INSPECTOR