



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: 29th June 2023

Appeal Ref: APP/G1580/D/23/3316234

2 Sunray Avenue, Bromley, BR2 8EW

- 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 Ms Lauren Turner against the decision of Bromley London Borough Council.
 - The application Ref 22/04158/FULL6, dated 23 October 2022, was refused by notice dated 23 December 2022.
 - The development proposed is demolition of existing garage; alterations to front porch; erection of new carport; two storey side extension with external lightwell; single storey side/rear extension; new boundary fencing; elevational alterations; replacement of existing roof.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage; alterations to front porch; erection of new carport; two storey side extension with external lightwell; single storey side/rear extension; new boundary fencing; elevational alterations; replacement of existing roof at 2 Sunray Avenue, Bromley, BR2 8EW in accordance with the terms of the application, Ref 22/04158/FULL6, dated 23 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 approved plans, drawing Nos.2215-EX001, Site location plan; 2212-PR001; 2212-PR002 2212-PR003; 2212-PR007; 2215-PR004 and 2215-PR005.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Before commencement of the use of the development hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details shown on drawing Nos.2212-PR001 and 2212-PR002, and thereafter shall be kept available for such use and no development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

- 5) Prior to first occupation/use of the development hereby approved, one integral swift nest brick shall be installed and thereafter retained.

Preliminary matters

2. The application form for the proposed development, and the appeal form, both described the proposed development as "2 storey side extension, internal alterations and associated site works and boundary fencing". The officer's report and the council's decision notice both described the proposal in the terms that I have used in the heading above. I have adopted this description because it more fully and clearly describes the development proposed.

Main Issue

3. The main issue in this case is the effect of the proposed 2-storey side extension on the appeal site and on the streetscene in Greenway.

Reasons

4. The appeal property is a two-storey end of terrace house, situated on a corner plot and shares many similar design features with houses on Sunray Avenue, such as a hipped roof, protruding front outshot and porch. The surroundings are predominantly residential in character, with Sunray Avenue containing similar terrace properties. Because Sunray Avenue joins Greenway at an acute angle, the curtilage of the appeal dwelling is triangular in shape, with a wide frontage to Sunray Avenue, tapering to a point along the Greenway frontage.
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. Space or gaps between buildings should be respected or maintained where these contribute to the character of the area; and extensions should positively contribute to the existing street scene. However, it is against policy 8 that the officer's report considers the proposed development in some detail, and it is clearly this particular policy that was used to determine the refusal.
6. I set out Policy 8 of the Local Plan 2019 in full:
Policy 8 'Side Space' "When considering applications for new residential development, including extensions, the Council will normally require the following: a - for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building; or b - where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space".
7. The minimum of 1m space from the side boundary is in order to prevent a cramped appearance which can lead to a terracing effect, and to safeguard the amenities of the neighbouring property. The supporting text at paragraph 2.1.68 is pertinent; it states: *"The Council considers that the retention of space around residential buildings at first floor and above is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial*

standards and levels of visual amenity which characterise many of the Borough's residential areas".

8. For the council, it is explained that the two-storey side extension would project beyond the existing side elevation by approximately 3.2m. Whilst the flank wall would be set in to maintain a 1m separation from the side boundary, the extended hipped roof would overhang the chamfered corner and the bulk of the roof would be the same as it would be if the rear corner of the elevation was built up against the boundary. Given the close proximity to the side boundary, the proposal would appear cramped within the plot and be overly dominant in the street scene in Green Way thereby resulting in a detrimental reduction in spatial standards of the area.
9. The design of the proposed extensions has not been criticised, other than with regard to the hipped roof coming very close above the side boundary fencing. The wall of the extension under this roof is chamfered across the corner, thereby maintaining a 1m gap to the side boundary. Thus it is only the corner point of the hipped roof that offends the policy. The chamfered wall is a little over 1m in length, with the corresponding over-hanging point of the roof being minor in consequence.
10. My reading of Policy 8 is that its purpose is primarily to ensure that a reasonable gap is maintained in a row of dwellings, to safeguard the privacy and amenity of adjoining residents, and in particular to avoid a cramped appearance between dwellings and a terracing effect. Whilst the general intention of the policy can be kept in mind, this appeal is not a case where 2 houses may become cramped together, or give the appearance of the formation of a terrace, and residential privacy and amenity is not in question.

Conclusions

11. I do not regard the appeal proposal as offending Policy; rather the decision falls to be decided on the judgement as to whether the development would be harmful to the streetscene due to the proximity of the point of the roof being close to the curtilage boundary of the appeal dwelling. I also take account of the fact that most of the 2-storey flank elevation is well over 1m away from the boundary. My conclusion on this is that, since the corner of the roof would not overhang the highway, it would be clearly seen as being within the dwellings private area. Thus it would not look incongruous, cramped and overly dominant. I will therefore 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. 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 that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; and condition 4 is to ensure that adequate parking and manoeuvring provision is provided on site, in the interests of the safety and convenience of highway users.

13. In addition the RSPB Bromley Local Group, when commenting on the planning application, requested that at least one integral swift nest brick be installed as a way of enhancing local biodiversity. This appears to me to be desirable and not unduly onerous. I will therefore include this as condition 5, for the biodiversity reason mentioned.

Terrence Kemmann-Lane

INSPECTOR