



Appeal Decision

Site visit made on 11 July 2023 by N Unwin BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/G5180/D/23/3319019

44 Avondale Road, Bromley BR1 4EP

- 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 Oybek Rozmetov against the decision of London Borough of Bromley.
 - The application Ref 22/04760/FULL6, dated 1 December 2022, was refused by notice dated 31 January 2023.
 - The development proposed is for the demolition of existing side attached single garage and utility and erection of a two storey side extension with integral garage, a single storey front porch extension, a single storey rear extension and a loft extension to create a dressing and en-suite to an existing loft master bedroom, together with new balcony.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing side attached single garage and utility and erection of a two storey side extension with integral garage, a single storey front porch extension, a single storey rear extension and a loft extension to create a dressing and en-suite to an existing loft master bedroom, together with new balcony at 44 Avondale Road, Bromley BR1 4EP in accordance with the terms of the application, ref: 22/04760/FULL6, dated 1 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: ADP22/P102/01; ADP22/P102/02; ADP22/P102/05; ADP22/P102/06A; ADP22/P102/07; ADP22/P102/08; ADP22/P102/09; and ADP22/P102/11.
 - 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.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. There are inconsistencies in the description of development. Given the absence of any agreement between parties to amend the description of development, I

have used that within the Application Form in the banner heading above. It does, in any event, identify the development subject of the appeal in its entirety.

Main Issue

4. The effect of the proposal on i) the character and appearance of the host property and the surrounding area; and ii) the living conditions of the occupiers of 42 and 46 Avondale Road, with particular regard to privacy.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is a two-storey property adjacent to Avondale Road. The area is characterised by detached and semi-detached dwellings, varied in respect to form, scale, and design, creating a street scene diverse in appearance. There is no homogenous separation distance between these dwellings, however adequate spacing has been retained so as to avoid a cramped appearance or terracing effect.
6. The appeal property comprises a hipped roof with a large and prominent front porch similar in scale to that of the adjoining property. A flat roof garage separates the appeal dwelling from the boundary with its neighbour. The garages of both the appeal property and neighbouring dwelling create a substantial visual break between them.
7. The proposed two-storey side extension would utilise a lower ridge height as well as retaining the existing eaves levels with hipped roof form, reflecting the relevant features of the appeal property. Due to the significant variation in the scale of the surrounding dwellings, the proposal would appear commensurate with its setting. The proposed front porch would be similar in style and scale to that of the existing, with the added built form of the proposed side extension reducing its visual prominence and creating subservience to the host dwelling.
8. A modest separation distance between the end elevation of the proposed side extension and that of the neighbouring dwelling would be retained through the presence of the neighbouring single storey detached garage.
9. Policy 8 of the London Borough of Bromley Local Plan (2019) states that the Council will normally require a minimum 1 metre separation distance between a two-storey extension and a side boundary. The supporting text elaborates further, highlighting the importance of space around buildings to prevent a cramped appearance and terracing. The proposed side extension would not achieve this 1 metre separation with the side boundary. Nonetheless, I have found the proposal to preserve the visual separation between the dwellings, having assessed it on its own merits, with regard to its context. There are thus material considerations that justify the departure from this element of the above policy in this case.
10. A large single-storey rear extension is proposed with the Council raising no objection to this element. Based on the evidence before me I see no reason to take an alternative view. The two balconies proposed within the first-floor rear elevation and roof slope would be relatively modest in size and add to the diversity of architecture indicative of the area.

11. The proposal would therefore be sympathetic to the character and appearance of the host property and surrounding area. It would thus accord with Policies 6 and 37 of the London Borough of Bromley Local Plan (2019) which together require new developments to respect the character of the host dwelling and surrounding area, in addition to gaps between buildings.

Living Conditions

12. The appeal site, in addition to No's. 42 and 46 comprise two-storey dwellings with large, elongated gardens projecting to the rear. Both sides of the boundaries between the appeal site and neighbouring properties are mostly flanked by large mature vegetation, screening views from the existing neighbouring windows into gardens. There is an absence of vegetation at the appeal site boundaries closest to the rear of these dwellings, with little screening provided above ground floor level.
13. The proposed first-floor balcony would project modestly from the rear elevation of the existing dwelling. The proposed balcony within the roof slope would not extending beyond the existing eaves. Views of the majority of the rear gardens of No's. 42 and 46 from the proposed balconies would be effectively screened by the extensive vegetation along either side of the appeal site boundaries. The limited projection would restrict views of the garden areas closest to the rear of No's. 42 and 46 to when standing at the very edges of these balconies. These views would be further narrowed by the oblique angle of the proposed balconies in relation to these areas. The design of the proposed balconies would therefore prevent an unacceptable loss in privacy of the rear garden areas of No's. 42 and 46.
14. The proposal would therefore be acceptable in terms of its effect on the living conditions of the occupants of 42 and 46 Avondale Road, with particular regard to privacy. It would therefore accord with Policy 37 of the London Borough of Bromley Local Plan (2019) which requires new development to respect the living conditions of neighbouring occupiers.

Conditions

15. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition relating to materials to match that of the existing dwelling is also necessary.

Conclusion and Recommendation

16. For the reasons given above, the appeal scheme would comply with the development plan. As such, I recommend it be allowed, subject to the conditions set out.

N Unwin BSc (hons) MSc

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

John Morrison

INSPECTOR