



Appeal Decision

Site visit made on 26 July 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/G5180/D/23/3322494

19 Oak Road, Orpington BR6 6BB

- 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 Robert James against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/04353/FULL6, dated 19 October 2022, was refused by notice dated 28 February 2023.
 - The proposed development is for a ground floor rear extension, first floor extension, internal redesign and new driveway design.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension, first floor extension, internal redesign and new driveway design at 19 Oak Road, Orpington BR6 6BB in accordance with the terms of the application Ref DC/22/04353/FULL6, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development having regard to:
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupants of neighbouring dwellings with regard to light and outlook.

Reasons

Character and appearance

3. The appeal site comprises a detached bungalow with off-street parking on the driveway to the front. The local neighbourhood is predominantly residential in nature, with open countryside nearby to the south.
4. The appeal scheme would result in the formation of a two-storey property. Policy 8 of the Bromley Local Plan January 2019 (LP) states that for a proposal of two or more storeys in height, the Council will *normally* (my emphasis) require a minimum 1 metre space from the side boundary to be retained for the full height and length of the building. Due to the relationship of the existing bungalow with the common boundary line to no.17, the degree of separation to the flank border would be approximately 0.88m, based on the figure provided by the Council.

5. Whilst I acknowledge that the extension would be less than 1 metre from the border, no.17 is set away from the common boundary by a similar distance. The elevation plans demonstrate that this would ensure adequate separation would be retained with the immediate neighbour, which would prevent a cramped appearance from occurring. The resultant gap between the appeal property as extended and no.17 would reflect the spacing of neighbouring properties elsewhere along Oak Road, and would therefore be harmonious within the context of the streetscene.
6. I am therefore satisfied that the proposal would respect the character and appearance of the surrounding area. There would be no conflict with Policies 6, 8 and 37 of the LP, which require new development to respect the local context and the retention of space around residential buildings to ensure adequate separation.

Living conditions

7. The proposal would result in a loss of light and outlook to the first floor flank window of no.17. This notwithstanding, I observed that the room it serves is triple aspect, with windows also facing to the front and rear. In this context, whilst there would be an increased sense of enclosure as a result of the appeal proposals, I find that this would not be so significant as to warrant refusal on this ground.
8. No.21 occupies the last plot on this side of Oak Road, with open countryside to the south. It has a single storey rear extension that projects as far to the rear as the two-storey element proposed by this appeal; the blank roof slope of this extension would look out over the new development. There is also a substantial mature hedge running along the common boundary between the rear gardens. Given these circumstances, I consider that there would be no adverse affect upon visual amenity from the back garden of no.21 above and beyond that currently experienced.
9. On this basis I am of the view that there would be no material harm to the living conditions of the occupants of neighbouring dwellings with regard to light and outlook. The addition would comply with policy 37 of the LP, which states that development will be expected to respect the amenity of occupiers of neighbouring buildings.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring submission of external materials would provide for a satisfactory appearance.
11. I have imposed a condition requiring the submission of a construction management plan to ensure that the development does not unduly affect the living conditions of the occupiers of nearby dwellings, as well as a drainage to prevent discharge on to the public highway.

Conclusion

12. In respect of the above and all issues advanced, I allow the appeal.

C Hall

INSPECTOR

Schedule of 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 following approved plans: 19.OR SK-03
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extensions have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the LPA.

The Statement shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of noise, dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours; and site contact details in case of incident.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until details of drainage to prevent the discharge of surface water from private land on to the highway has been submitted to and approved in writing by the LPA. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.