



Appeal Decision

Site visit made on 11 July 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/G5180/W/23/3314133

17 Broomwood Road, Orpington BR5 2JH

- 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 Terence Emerhana against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/03576/FULL1, dated 11 September 2022, was refused by notice dated 1 December 2022.
 - The development proposed is to demolish the existing bungalow and erect 1 detached house at 17 Broomwood Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as it appears on the planning application form, modified slightly for clarity.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area.
 - The living conditions of neighbouring occupiers at 15 and 19 Broomwood Road with particular regard to daylight, sunlight and overbearing.

Reasons

Character and appearance of the area

4. The appeal site is a single storey detached house, set within a run of similar single storey properties, some of which have first floor dormers. The opposite side of Broomwood Road is characterised by 2 storey semi-detached dwellings, the majority with hipped roofs. The street is reasonably wide and has a very open character derived from the single storey and 2 storey dwellings in generous plots, with hipped roofs contributing to the sense of space between buildings at first floor and above. Whilst the appellant contends that 2 storey houses are more characteristic of this area, the appeal site sits within a run of 10 single storey houses which itself lends a particular character to this part of the street.
5. Whilst the proposed house would maintain a 1 metre gap either side of the boundary with the adjacent houses, it would occupy a greater area of the plot than the current dwelling in terms of both width and depth. The ridge height to

the house would be higher than the roof at number 19 adjacent which accommodates a second storey with dormers. The bulk of the proposed house, coupled with the gable ended roof form, would result in a form of development that is not characteristic of the houses on this street and would appear as a very dominant, incongruous feature in the street scene. As such, it would be at odds with the prevailing form of development in the area.

6. I acknowledge that the overall use of materials and the detailed design of the fenestration would be in keeping with the local area, but this would not overcome the harm caused by the bulk and height, as detailed above.
7. My attention has also been drawn to the form of the house at 13 Broomwood Road, which comprises a substantial 2 storey dwelling with a gable end loft conversion. This gable end roof form is not characteristic of the locality. Number 13 also has a side extension with a hipped roof, adjacent to the single storey house at number 15. The context here is different in that the house is not flanked by single storey dwellings on both sides and the hipped roof maintains a degree of openness to the boundary with number 15.
8. For the reasons outlined above, the appeal proposal would result in harm to the character and appearance of the area. This runs contrary to the aims of policy D3 of the London Plan 2021 and policies 4 and 37 of the Bromley Local Plan 2019 which, amongst other things, require development schemes to respect local character and context.

Living conditions of neighbouring occupiers

9. Due to its height, bulk and roof form, the proposed dwelling would have an overbearing effect on the gardens to the properties either side of the appeal site. It would be a significant change from the current very open outlook from the neighbouring gardens.
10. The form of development proposed means that there would be a sheer two storey elevation topped with a gable end in very close proximity to the side windows of both neighbouring properties. It would cause a significant increase in the sense of enclosure to the side windows of 15 and 19 Broomwood Road. Given the proposed dwelling's proximity and height in relation to these windows, it is likely that some loss of daylight and sunlight would also be experienced. The appellant's suggestion that there will not be any harmful impact on daylight or sunlight has not been evidenced.
11. Whilst there would be a change in view from some of the rear windows of 15 and 19 Broomwood Road, I do not consider that the change in view would result in a significant sense of enclosure. This is because it would be the single storey rear section of the house which would be most visible. It would also be slightly set back from the boundary and partially obscured by the existing side boundary walls. Given the orientation of the rear elevation of the adjacent houses I do not consider that an undue loss of light would occur to any windows looking onto the rear gardens. Whilst I have found that there would be no undue loss of light or enclosure to these rear windows, this is a neutral consideration in my determination of this appeal.
12. In terms of the living conditions of neighbouring residents therefore, I find that the proposed house would be an overbearing form of development in relation to the gardens and side windows of 15 and 19 Broomwood Road, and would

cause a loss of daylight and sunlight to these windows. This runs contrary to the aims of policy 37 of the Bromley Local Plan 2019, which, amongst other things requires developments to respect the amenity of occupiers of neighbouring buildings and allow adequate daylight and sunlight to penetrate in and between buildings.

Planning balance

13. I acknowledge that the appeal proposal would provide a good standard of accommodation in line with the standards set out in the development plan, and the appellant is aiming to provide accommodation to suit their family's needs. Furthermore, the appeal proposal would involve the redevelopment of an existing small, brownfield site, for which there is both local and national policy support. However, the harm I have identified to the character and appearance of the area and to the living conditions of neighbouring properties outweighs the identified benefits.

Other Matters

14. I have had regard to other matters raised including the issues of building over a sewer and proximity of excavation to number 19, and the potential effect upon the solar panels on the roof of number 15. As I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

15. I have found that the appeal proposal would harm the character and appearance of the area and the living conditions of the residential occupiers at 15 and 19 Broomwood Road. As such it is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

L Francis

INSPECTOR