



---

## Appeal Decision

Site visit made on 1 August 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI MIEMA CEnv

### **Decision by Chris Forrett BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 September 2023**

---

### **Appeal Ref: APP/G5180/D/23/3322366**

### **Denby, 14 Pines Road, Bickley, Bromley BR1 2AA**

- 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 V Goloshivsky against the decision of Council of the London Borough of Bromley.
  - The application Ref DC/22/02928/FULL6, dated 21 July 2022, was refused by notice dated 28 April 2023.
  - The development proposed is a single storey rear extension.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Denby, 14 Pines Road, Bickley, Bromley BR1 2AA, in accordance with the terms of the application DC/22/02928/FULL6 dated 21 July 2022 subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) 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.
  - 3) The development hereby permitted shall be carried out in accordance with the approved plans numbered: 02\_RevA ,03\_RevA, 03\_RevB, 05\_RevB, 06\_RevB, 07\_RevB, 16\_RevB, 17\_RevB and 18\_RevB.

### **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.

### **Application for costs**

3. An application for costs was made by Mr V Goloshivsky against the Council of the London Borough of Bromley. The application is the subject of a separate decision.

### **Main Issues**

4. The appeal site is located within the Bickley Park Conservation Area (the 'CA'). The main issues are whether the development would preserve or enhance the

character or appearance of the CA; and the effect of the development upon the living conditions of the occupants of "Castleford", 14a Pines Road with regard to outlook.

## **Reasons for the Recommendation**

### *Character of the CA*

5. Denby is a modern two storey detached house located on a corner plot on the east side of Pines Road to the north of its junction with Woodlands Road. The street scene is characterised by large detached two storey buildings of varying size and design which are set back from the road. Properties on the street have rear gardens of varying depth, with the appeal property and 14a "Castleford" having similar while nos. 16, 16a and 18 all appear to have greater distances between the rear of the respective properties and their rear boundaries and are also sited further back than the appeal property. As observed at the site visit 16 Pines Road has a rear extension which protrudes beyond the rear wall of other properties. As such, I consider that there is not a strongly defined building line at the rear.
6. The proposed single storey rear extension would have a flat roof and would project 4 metres from the rear wall of the existing property at its closest point to Castleford. From the Council officers report, it would have a width of 9.1 metres and a height of 3.25 metres. Given the overall size and height of the extension, it would represent a subservient addition to the host dwelling.
7. By virtue of the site being a corner plot, the appeal site also benefits from a substantial garden space to the side which would provide significant separation distance from the southern flank boundary. There would also be a separation distance from the rear boundary of approximately 8.3 metres. Consequently, the proposal would not result in an overdevelopment of the site.
8. Turning to the design aspects of the proposal, its flat roof would not reflect that of the host dwelling. That said, given the modern nature of the host dwelling and the siting of the proposal to the rear, I consider that this is not harmful to the overall character of the host dwelling, the wider area or the CA.
9. For the above reasons the proposal would therefore complement the host property and would not appear out of character with surrounding development. It would also preserve the character of the CA and would accord with the National Planning Policy Framework, and Policies 6, 37 and 41 of the London Borough of Bromley Local Plan 2019 (the 'LP'). Amongst other matters, these policies and the overarching aims of the National Planning Policy Framework seek to ensure that proposals within or affecting a Conservation Area are designed to preserve or enhance its special character and appearance as well as respecting or complementing the layout, scale, form and materials of existing buildings and spaces.

### *Living conditions*

10. The proposed extension would project 4 metres from the existing rear wall. It would be set in from the edge of the northern elevation of the host dwelling by around 1 metre.
11. The submitted plans indicate a distance of around 3.65 metres between the appeal property and Castleford, and the proposed extension would also be set

in a further metre from the side elevation. The proposed plans also indicate the 45-degree line from the ground floor rear doors of Castleford, and no part of the proposal would be within the 45-degree line from these rear openings.

12. Taking these factors into account, together with the size and height of the proposal, it would not give rise to an unacceptable outlook for the occupants of the adjoining property, Castleford.
13. For the above reasons the proposal would not harm the living conditions of the occupiers of Castleford and would accord with Policy 37 of the LP which amongst other matters seeks to ensure that proposals respect the amenity of the occupiers of neighbouring properties.

### **Other Matters**

14. I have also had regard to the other concerns raised in respect of potential loss of daylight and sunlight to Castleford. However, given the size and height of the proposal, I consider that any loss of such light would not be sufficient to warrant the withholding of planning permission for the development before me.

### **Conditions**

15. Other than the statutory condition relating to the commencement of work it is necessary, in the interests of clarity, to attach a condition to ensure that the development is constructed in accordance with the plans submitted with the application. In the interests of the visual amenity, a condition is necessary to ensure that the external materials of the development match those used in the existing building.
16. The Planning Officer's Report includes a condition that there should be no balcony on the flat roof. However, I consider that the use of the roof as a balcony is unlikely as the proposal includes large rooflights which would make this type of use impractical. Furthermore, the submitted drawings do not show any access to the flat roof from the master bedroom. In summary, I consider that this condition is unnecessary.

### **Conclusion and Recommendation**

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

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

*Chris Forrett*

INSPECTOR