Appeal Decision

Site visit made on 18 July 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2023

Appeal Ref: APP/D5120/D/23/3322280
Bracken Bank Camden Road, Bexley DA5 3NP

- 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 D and Mrs T Cogger against the decision of the Council of the London Borough of Bexley.
- The application Ref 22/02287/FUL, dated 13 September 2022, was refused by notice dated 20 March 2023.
- The development proposed is a double storey side extension, single storey rear extension, elevational changes, outbuilding comprising pool house and gym with raised terrace area on the front facade, new swimming pool and new raised terrace area to rear of existing house.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the new 2023 Bexley Local Plan ("the BLP") on 26 April 2023. At the same time the 2012 Bexley Core Strategy ("the BCS") and the remaining saved policies of the 2004 Bexley Unitary Development Plan ("the UDP"), which had been referred to in the decision notice, were withdrawn. I therefore asked the Council to provide the relevant new policies, and to state which policies of the UDP and BCS they had replaced. The appellants were also afforded the opportunity to comment on the new policies, and I have taken their comments into account in reaching my decision. Where relevant in my reasons below I have referred to the policies of the BLP.

Main Issues

3. The main issues are the effect of the proposed development on:

   - The character and appearance of the area; and
   - Living conditions for occupiers of the neighbouring house Largo, with particular regard to whether or not the rear outbuilding would be overbearing or oppressive.

Reasons

Character and appearance

4. Bracken Bank is a large, two-storey detached house set in a generous plot on the west side of Camden Road. The main part of its front elevation is symmetrical, with windows serving the living and dining rooms either side of a central entrance porch on the ground floor, three dormer windows on the first

floor, and a tall chimney stack on each side (though the stacks are not identical). These give the front of the house a pleasant and attractive sense of balance and proportion which makes a very positive contribution to the streetscene. The surrounding area is predominantly residential, with homes of a wide variety of sizes and designs, although the area closest to the appeal property is characterised by generally large dwellings set in generous plots. I saw on my site visit that many of the houses in the neighbourhood appear to have been extended or otherwise altered over the years.

5. The existing single garage attached to the north side of Bracken Bank would be demolished, and a new larger garage built to fill the space around an existing utility room; on the first floor above this would be a new master bedroom, ensuite shower room and study. The Council's 2004 *Design and Development Control Guidelines Supplementary Planning Document*[1] ("the SPD") advises among other things that:

   "Two-storey side or first floor extensions over existing accommodation should be designed to be subordinate to the main dwelling. Ideally this should incorporate a set-back of the front elevation of the extension. The roof plane of the extension should respect the roof plane of the original house, thereby lowering the ridge line."

   The proposed side extension would follow this guidance inasmuch as the roof ridge line would be at a lower height than that of the existing house, but there would be no setting back of its front elevation behind that of the main dwelling.

6. The eaves line on the extension would follow that of the existing house's front elevation, and the new first-floor bedroom would have two dormer windows of the same design and proportions as the three on the existing house. I acknowledge that symmetry is not a consistent or prevalent characteristic of the houses in the surrounding area, and indeed extensions and outbuildings on both sides of the house mean that Bracken Bank as a whole does not have a symmetrical appearance. As I have described above, however, the symmetry of the main front elevation is a very positive feature of the appeal property. This would be lost as a result of the proposed development and, in most views of the house from the street, the siting, mass, scale and form of the extension mean that it would read as a prominent and unbalancing, rather than subordinate, addition to the original house.

7. Furthermore, as the land levels fall gently to the north along Camden Road, the ground-to-eaves height on the front elevation of the extension would in fact be noticeably taller than on the existing house. The large expanse of brickwork on the extension between the top of the garage doors and the bottom of the first-floor windows above would add to the harsh and unsympathetic impact of the extension on the existing building.

8. I recognise that the SPD provides guidance rather than set of rules to be applied in every case, depending on the circumstances. The appellant considers that a setback should not be necessary for this development because the extension would be slightly less than half the width of the existing dwelling, would have a lower roof height, and there is already a single-storey extension

[1] Although a new development plan has recently been adopted, the Council has stated that this guidance remains extant, pending its replacement by a new Design Guide Supplementary Planning Document, which has not yet been completed.

in the same location. However, the existing garage is set well behind the main front elevation, and the utility room to which it is connected is further back still; the roof ridges step down from those of the main house, and the overall effect is that the existing extensions read as modest and subservient. The proposed side extension, on the other hand, would be a bulky, dominant and intrusive addition to the existing building. The harm which this would cause to the character and appearance of the main dwelling, and to the streetscape, would not be alleviated by it having a slightly lower roof ridge height than the existing house.

9. The appellant has drawn my attention to an appeal decision in respect of the nearby house at No 23A Camden Road[2] in which planning permission was granted for a single-storey rear extension. While I do not know the full details of that proposal, on the basis of information in the appeal decision alone it is apparent that there are several notable differences between the two schemes, not least that the proposal before me includes a two-storey side extension. No 23A is set down a long private driveway and the Inspector in the other appeal noted that the extension would neither dominate the existing house nor unbalance its overall proportions, and would have no impact on the streetscene. For the reasons which I have set out above, none of these considerations apply in this appeal, and I do not consider the two cases to be directly comparable.

10. I conclude that the proposed side extension would cause significant harm to the character and appearance of the area. The proposed development would therefore conflict with Policies SP1, SP5 and DP11 of the BLP, and with Policies D3 and D4 of the London Plan 2021. Together, and among other things, these policies seek to create high-quality places, including by ensuring that development is well-designed, and that the layout height, scale and massing of development complements the surrounding area and makes a positive contribution to the streetscene.

Living conditions

11. Bracken Bank has a large rear garden. Within this, the proposal includes the creation of a new raised terrace at the rear of the house, a new outdoor swimming pool, and a long, thin outbuilding accommodating the pool house, a gym and a shower room. The outbuilding would be around 20m long, and set around 1m away from the common boundary with Largo, the neighbouring house to the north. It would have a flat roof, although there would be hipped pitched sides with an eaves height of around 2.3m and a maximum height of around 3.3m above the ground level. The new outbuilding would replace an existing much smaller (in all dimensions) outbuilding right against the boundary.

12. The Council considered that the proposed outbuilding would have an overbearing and oppressive impact on the neighbouring property; I note also the correspondence submitted by the occupiers of Largo to the same effect during the planning application consultation period. I visited the rear garden of Largo during my site visit, and was therefore able to spend a reasonable amount of time considering the effects of the development on that property.

[2] PINS Ref: APP/D5120/D/21/3270036

13. Because of the sloping topography of the area, Largo is at a lower level than Bracken Bank; the ground level in the rear garden of Largo closest to where the outbuilding would be erected is 1m or so below that on the Bracken Bank side of the boundary. The eaves and ridge of the proposed outbuilding would therefore be around 3.3m and 4.3m respectively above the ground level of the neighbouring garden. However, the eaves would be set around 1m behind the boundary, and the ridge a further metre or so beyond this. This separation would considerably reduce the impact of the outbuilding.

14. The two rear gardens are divided by walls and fences which rise to between approximately 1.8m to 2m above the Bracken Bank ground level (and they are therefore 1m or so higher seen from the Largo side). A line of evergreen trees within the rear garden of Largo would provide a considerable amount of screening from the ground floor rooms within the house and the nearest parts of the garden. The change in elevation between the two sites and the overall height of the outbuilding means that its upper parts would, of course be visible from a good part of the rear garden of Largo. However, the separation distance means that it would not be a harmfully overbearing or oppressive feature.

15. I conclude that the proposed development would not cause significant harm to living conditions for occupiers of the neighbouring property. In this matter, the proposal therefore complies with Policies SP1, SP5 and DP11 of the BLP and Policy D6 of the London Plan 2021 which seek to create high-quality places by, among other things, ensuring that development is well-designed and protects the amenity of existing properties and neighbouring residents.

Other Matters

16. My attention was drawn to apparent discrepancies in the plans, including in respect of ground levels as parts of the rear garden of Bracken Bank have been excavated. I note also that the position of the proposed outbuilding in relation to the main house and the boundary with Largo as shown in the submitted "proposed ground floor plan"[3] does not match other drawings. It is possible that this last point simply reflects the proposal having been amending during the application process, although neither that drawing nor any revised alternative appeared among the "documents considered" listed on the Council's decision notice. Had the proposal been acceptable in all other respects, this is a matter on which it would have been necessary to seek further clarification from the main parties.

17. The proposed rear outbuilding would include windows on the long side elevation facing Largo. Had the proposal been otherwise acceptable, it would have been necessary to include a condition requiring those windows to be obscurely glazed and non-opening, to protect the privacy of neighbouring occupiers.

Conclusion

18. I have found that the proposed development would not cause unacceptable harm to living conditions for neighbouring occupiers. However, it would be significantly detrimental to the character and appearance of the area. The development therefore conflicts with the development plan taken as a whole.

[3] Drawing 006 Revision B

19. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector