



Appeal Decision

Site visit made on 14 November 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/G5180/D/23/3330173

47 Mayfield Avenue, Orpington BR6 0AJ

- 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 & Mrs Matthews against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/23/00614/FULL6, dated 14 February 2023, was refused by notice dated 1 August 2023.
 - The development proposed is the demolition of existing garage and construction of a two-storey side and part one/two storey rear extension, with elevational alterations including solar panels.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and construction of a two-storey side and part one/two storey rear extension, with elevational alterations including solar panels at 47 Mayfield Avenue, Orpington BR6 0AJ in accordance with the terms of the application, Ref DC/23/00614/FULL6, dated 14 February 2023, 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 following approved plans: 5298-21-PL101 rev P2; 5298-21-PL102 rev P2; 5298-21-PL103 rev P2.
 - 4) The first floor windows in the side elevation facing 45 Mayfield Avenue shall be obscure glazed and fixed shut and thereafter maintained as such, where any part of the window falls below 1.7m of finished floor level.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area.
 - The living conditions of the occupiers of 45 Mayfield Avenue with particular regard to outlook.

Reasons

Character and appearance

3. The area is characterised by 2 storey detached dwellings, set away from the street by substantial front gardens and driveways with low boundary treatments, giving the area a very spacious and open character. Views are possible between houses and over single storey side garages to the vegetation of the back gardens. Whilst there is not a uniformity in the design of houses along the street, there are common features including fenestration style, use of brick and render, and hipped roofs, some with front facing gables. The appeal site is located in the Knoll Area of Residential Character, as defined by the Bromley Local Plan 2019 (BLP).
4. The proposal involves the demolition of the existing garage adjacent to No. 49 and the erection of a 2-storey extension. Appendix 10 of the BLP describes single storey hipped roof garages as a feature of the Knoll Area of Residential Character. Whilst there are many examples of this on Mayfield Avenue, I noted on my site visit that there are also numerous 2-storey side extensions incorporating garages, which also informs the character of the area. A 2-storey extension to the side would sit comfortably within the street scene and would be compatible with surrounding development. Similarly, whilst there are few examples of a secondary gable feature, it is a common roof form found in the area and as such would sit comfortably in the street scene.
5. To the rear, the proposed extension would run the full width of the house at both ground and first floor level, although the first floor would not have the same depth as the ground floor and would also step back in two stages towards the boundary with No. 45 Mayfield Avenue. Whilst the extension would be substantial in terms of its scale and bulk, it would not be built up to the side boundaries, and views through from the street to the trees in the rear garden would still be possible. The extent of the rear addition would not be readily appreciable from the street. The materials and fenestration would fit with the prevailing style of the local area.
6. Whilst I acknowledge the extension would result in a house that would be appreciably larger than those either side, given the form and size of the plots and the detailed design of the extension, I do not consider that its size in itself would result in harm to the character and appearance of the area.
7. I note that a similar development was granted planning permission in 2015. Given that the permission is no longer extant, and that a new development plan has since been adopted¹, I afford the 2015 permission moderate weight in the determination of the appeal.
8. In light of the above, I conclude that the proposal would not result in harm to the character and appearance of the area. As such, the appeal proposal is in line with the aims of policies 6, 37 and 44 of the BLP. These policies expect new development, amongst other things, to respect or complement the scale, proportion, form, layout and materials of adjacent buildings and areas, and respect or maintain gaps between buildings where they contribute to the character of the area.

¹ The Bromley Local Plan 2019 and the London Plan 2021

Living conditions

9. To the side adjacent to No. 45 Mayfield Avenue, the proposed rear ground floor extension would continue along the line of the existing side elevation. At first floor level the extension would be set away by around 1m from the side and would step away again before reaching its full depth.
10. Whilst the appeal proposal would be visible from the rear first floor windows of No. 45, the stepping away of the first floor from the shared boundary and from the current side building line would reduce the extent to which the proposal would be appreciable from these windows. Given the degree of stepping back at first floor, I do not consider that the proposal would result in an unacceptably harmful loss of outlook to either the house or garden at No. 45.
11. The 2 windows shown in the proposed side elevation facing No. 45 at first floor would serve a bathroom and dressing area to a bedroom. Given that they would allow views towards the side elevation of No. 45, to avoid any harm from overlooking, it is necessary to attach a condition requiring these windows to be obscure glazed to ensure no loss of privacy to the occupiers of No. 45.
12. The plans show that the proposed extensions would be within an approximately 45 degree line taken from the mid-point of the nearest first floor window at No. 45. Having applied this test, there is no objection from the Council in terms of loss of daylight or sunlight and there is no technical evidence to contradict this finding.
13. I therefore conclude that the proposal would not harm living conditions of the occupiers of 45 Mayfield Avenue with particular regard to outlook. The proposal would accord with Policy 37 (e) of the BLP which requires proposals for development to respect the amenity of occupiers of neighbouring buildings, ensuring they are not harmed by, amongst other things, overshadowing.

Conditions

14. I have considered the necessary conditions against advice in the National Planning Policy Framework and Planning Practice Guidance. I have attached the standard time limit condition (1) and a plans condition (2) in the interests of certainty.
15. In the interests of ensuring the proposal would not result in harm to the appearance of the area, condition 3 is necessary to require the materials to be used would match those of the existing dwelling. In the interests of avoiding harm to the living conditions of adjoining occupiers, condition 4 is necessary to require obscure glazing to the windows in the side elevation facing No. 45.

Conclusion

16. I have found that the proposal is in line with the development plan read as a whole, and no material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. For the reasons set out above, the appeal is allowed.

L Francis

INSPECTOR