



Appeal Decision

Site visit made on 13 December 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/G5180/D/23/3329639

27 Frankswood Avenue, Petts Wood, Orpington BR5 1BW

- 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 Michael Nicolai against the decision of the Council of the London Borough of Bromley.
 - The application ref. DC/23/02192FULL6, dated 6 June 2023, was refused by notice dated 15 August 2023.
 - The proposed development is for a single storey rear extension to enlarge existing kitchen and living area. Two storey side extension to enlarge existing bedroom with en-suite bathroom on first floor. Two storey side extension with hip to gable roof is proposed to create symmetry with the existing adjacent property (25 Frankswood Ave).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the existing dwelling and the surrounding area; and
 - the living conditions of the occupants of 29 Frankswood Avenue having regard to overbearing impact.

Reasons

Character and appearance

3. The appeal site contains a semi-detached, two-storey dwelling in a residential road of houses of a differing scale and design. Petts Wood town centre is a short distance away with a mainline train station, bus stops, shops and other services.
4. Amongst other things, the scheme would introduce a new side addition over the existing garage. Policy 8 of the Bromley Local Plan 2019 (LP) advocates that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building. However, in this case development would extend the built form of the property such that it lies on the common boundary with No. 29, in breach of Policy 8.

5. The resultant gap between the dwellings would be extremely narrow, noticeably reducing the sense of space around the side of the buildings. The main outcome would be that the finished proposals would appear cramped in terms of layout, to the detriment of the immediate locale and the surrounding streetscene.
6. I appreciate that gaps between houses elsewhere in the vicinity are varied, and that some existing extensions would evidently also run contrary to policy 8. Nevertheless, the appeal case before me would appear to be one of the most constrained in width.
7. Furthermore, where other limited gaps do occur, many of these are tempered as the built form is set back from the front elevations of the main properties, which would not be the case for this appeal. In any event, additions to other dwellings would be neutral considerations in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
8. I acknowledge that the appeal site is neither located within a conservation area, nor does not contain any listed buildings or heritage assets; additional space would be provided to meet the needs of the appellant and his family; and the proposal would match the adjoining semi at 25 Frankswood Avenue. However, these matters do not counterbalance the detriment I have reasoned above.
9. On this basis, I consider that the development would result in harm to the character and appearance of the existing dwelling and the surrounding area. There would be conflict with Policies 6, 8 and 37 of the Bromley Local Plan 2019 (LP), which seek to ensure proposals meet high standards of design and protect the character of neighbourhoods.

Living conditions

10. The proposal would project outwards at first floor level by approximately 3 metres from the rear wall of 29 Frankswood Avenue, and with its flank elevation lying on the common boundary.
11. The development would be substantially higher than the existing fence and single storey element on the boundary. Taken together with the rearward projection and close proximity relative to the adjacent property, I consider that it would result in harm to the living conditions of the occupants of 29 Frankswood Avenue. It would appear oppressive and overbearing when viewed from the neighbour's facing openings in the rear wall of the main house.
12. The appellant states that the occupants of no.29 have not objected to the proposals. Even if this were the case, the absence of objection is not conclusive of the absence of harm. Moreover, others may well occupy this neighbouring property in the future. As such, the scheme continues to be unacceptable for the reasons I have outlined above.
13. I conclude that the development would result in material harm to the living conditions of the occupants of 29 Frankswood Avenue having regard to overbearing impact. It would fail to meet Policies 6 and 37 of the LP, which require development that is compatible with the area and respects the amenity of occupiers of nearby buildings.

Conclusion

14. Having regard to the above and all other matters advanced, the appeal is dismissed.

C Hall

INSPECTOR