



Appeal Decision

Site visit made on 12 March 2024

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2024

Appeal Ref: APP/G5180/D/24/3337431

10 Cherrycot Rise, Orpington, Bromley BR6 7DL

- 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 Mike Francis against the decision of the London Borough of Bromley.
 - The application Ref DC/23/04063/FILL6, dated 24 October 2023, was refused by notice dated 19 December 2023.
 - The development proposed is described as a bungalow uplift to form new first floor accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the host property and area and the living conditions of the occupiers of No.11 Cherrycot Rise.

Reasons

Character and appearance

3. The proposal would significantly change the appearance of this dwelling from one of a single storey pitched roofed bungalow to a contemporary two storey slightly sloping flat roofed styled dwelling. This would not reflect the design of the existing dwelling or that of the properties within this street scene that are generally of traditional design and that host pitched roofs.
4. Overall, the proposal would create a bulky addition to the roof and create a dwelling of a design and scale out of keeping with the existing pitched roofed bungalows and two storey dwellings. Consequently, the proposal would not be sympathetic to the appearance of the host dwelling or the character or visual appearance of this street scene. For these reasons the proposed development would be visually harmful.
5. Planning permission has been granted for the demolition of the existing house at No. 9 Cherrycot Rise and replacement with a two storey dwelling. The permission incorporates partially cladding the new house. From the details provided the approved scheme is for a pitched roof dwelling. I also saw that No.8 has been modernised, albeit again that property is of pitched roof design.

However, the proposed dwelling before me is of a very different design and form to that of any of the properties within this street scene, including that of the replacement dwelling at No.9. I do not consider the height, scale and design form of the proposed dwelling would sit comfortably within the context of the neighbouring properties, even if the overall height would be less than that of other properties within this street scene and there is some variation in the building line along the street.

6. I acknowledge there is a contemporary designed extension at the rear of the property and note that a contemporary designed single storey garage at the front has been allowed on appeal. These additions are smaller scale and subservient to that of the host dwelling. Furthermore, the rear addition is not visible in the street scene. These would not justify the proposed development that would result in visual harm and have a more significant visual impact within this street scene than that of the rear extension or approved garage.
7. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and area. The proposal would, therefore conflict with Policies D3 and D4 of the London Plan (2021), Policies 6 and 37 of the Bromley Local Plan (2019) and Design Guidance Note DG5 of the Urban Design Supplementary Planning Guidance (the SPD). These policies and SPD seek, amongst other matters, new development, including residential extensions, to be of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

Living conditions

8. No.11 Cherrycot Rise hosts windows, some of which are obscure glazed, in the side elevation that face towards the appeal site. It is advised that one of the windows is a secondary window that serves a living room and that other windows serve a bedroom and a bathroom. Currently much of the existing outlook from these rooms is onto the existing boundary fence.
9. The side wall would project above the height of the ground floor side windows of No.11 and the boundary fence. However, the proposed side wall would have a set back from the common boundary. Whilst the proposal would increase the height of the existing flank wall I do not consider this would significantly reduce light or outlook to such an extent that would diminish the enjoyment of the residential living environment for the neighbouring occupiers.
10. For these reasons, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of No.11 Cherrycot Rise. The proposal would, therefore comply with Policies 37 that requires, amongst other matters, development to respect the amenity of occupiers of neighbouring buildings.

Other Matters

11. The proposal would achieve the desired level and standard of accommodation to meet the needs of the appellant's family. There are no restrictive designations that apply to this part of the Borough. The appeal property is located within the limits to built development of Orpington and the appeal property is neither within a Conservation Area or an Area of Special Residential Character. The design complies with the Council's side space policy and there are no issues in relation to highways and to the living conditions of the

occupiers of No.9 Cherrycot Rise. No objections were received from any neighbouring party and no objections were raised by the Council's internal consultees. Whilst these are merits of the proposal, these do not overcome my above concerns in regard the first main issue, nor do they justify the proposed development.

Conclusion

12. Whilst I have found in favour of the appellant in terms of the effect of the second main issue, this does not overcome the identified harm in regard of the first main issues.
13. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR