



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 2023

Appeal Ref: APP/G5180/D/24/3336922

8 Ember Close, Petts Wood, Orpington, Bromley BR5 1AP

- 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 Meade against the decision of the London Borough of Bromley.
 - The application Ref DC/23/03281/FULL6, dated 24 August 2023, was refused by notice dated 24 October 2023.
 - The development proposed is replacement of existing garage with a part single, part two-storey side and rear extensions and single-storey front extension with elevational alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on the relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues raised by this appeal are the effect of the proposed development on the living conditions of the occupiers of No 9 Ember Close and the character and appearance of the host property and area.

Reasons

Living conditions

4. To the south eastern side, the neighbouring property is sited further forwards than the host dwelling and has a garage along the boundary to the rear of the property. The proposed two storey extension would project substantially to the rear of No. 9. There is some separation between No 9 and the two storey extension. Nonetheless, the proposed two storey extension would be clearly visible in the outlook of the occupiers of No. 9.
5. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The visually overbearing impact and sense of enclosure created by a two storey extension in such close

proximity would diminish the enjoyment of the residential living environment of the neighbouring property, particularly that of the outdoor amenity space. This would harm the residential enjoyment the existing occupiers should reasonably expect to enjoy.

6. No objections to the proposal have been received from existing neighbouring occupiers. Whilst this may be so, this does not make an unacceptable development acceptable or justify the proposed development.
7. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of No 9 Ember Close. The proposal would, therefore conflict with Policy 37 of the Bromley Local Plan. That policy seeks, amongst other matters, development to be of high quality design and to respect the amenities of existing occupiers.

Character and appearance

8. Policy 8 of the Bromley Local Plan requires a minimum of 1m side space from the flank wall of any development of two storeys or more to the boundary for the full height and length of the building. This is inclusive of any ground floor aspects. The Council explains that adequate side space is required in order to prevent a cramped appearance within the street scene and to safeguard the living conditions of neighbouring residents. It is also necessary to protect the high spatial standards and levels of visual amenity which characterise many of the Borough's residential areas.
9. The proposal would have a side space at ground floor to the boundary adjacent to No.9 of between 0.3m and 0.06m and between 1m and 1.1m at first floor.
10. A garage already exists to the side of the dwelling that is constructed up to the side boundary of the site. This is a material and significant consideration. At ground floor level, the proposed extension would project up to the property's boundary consistent with the existing garage to be removed. Therefore, there would not be a substantial change in circumstances at ground floor level. In actual fact there would be an improvement as there would be a slightly greater separation provided to the boundary at ground floor level. Whilst the Council wishes to see a greater side space provided at ground floor level, I do not consider this can be a reasonable requirement taking into consideration the existence of the existing garage.
11. At first floor level the proposed extension would be set at least 1m away from the flank boundary. This would satisfy the criteria of Policy 8.
12. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the host property and area. The proposal would, therefore comply with Policies 6, 8 and 37 of the Bromley Local Plan (2019). These policies seek, amongst other matters, new development, including residential extensions, to be of a high quality design and be compatible with the host property and surrounding development.

Other Matters

13. The appeal site is within the settlement confines of Petts Wood and is not affected by any restrictive policy designations. The appeal site is not located within a Conservation Area nor is this part of the Borough defined as an Area of Special Residential Character. Whilst these are merits of the proposed

development, they do not outweigh my above concerns or justify the development.

Conclusion

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

Nicola Davies

INSPECTOR