



Appeal Decision

Site visit made on 27 November 2023 by A Khan BSc (Hons) MA

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 JUNE 2024

Appeal Ref: APP/G5180/D/23/3328960

141 Eden Park Avenue, Beckenham, Kent BR3 3JG

- 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 Mrs Manasi Sakare against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/01615/FULL6.
 - The development proposed is demolition of existing conservatory and outhouse. Erection of single storey rear extension and alterations to roof comprising of hip to gable end, rear dormer with juliet balcony and installation of 3 rooflights in front roof slope. Single storey outhouse at rear.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing conservatory and outhouse. Erection of single storey rear extension and alterations to roof comprising of hip to gable end, rear dormer with juliet balcony and installation of 3 rooflights in front roof slope. Single storey outhouse at rear, 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: 002, 100, 101, 120, 121, 122, 123, 125 and 126.
 - 4) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 141 Eden Park Avenue.

Appeal Procedure

2. The site visit was undertaken by a representative of the inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must

still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

4. The proposed scheme includes a hip-to-gable extension, rooflights and dormer addition to the main roof. The Council has raised no objection to this component. As this type of addition is relatively common in the surrounding area, and may be Permitted Development in this case, I see no reason to disagree with the Council on this matter.

Main Issues

5. The main issues in the appeal are the effect of the proposed rear extension and outbuilding on:
 - the character and appearance of the area,
 - the living conditions of the neighbouring occupants of 139 Eden Park Avenue (No 139) with regard to enclosure, outlook and visual impact, and
 - the provision of car parking.

Reasons for the Recommendation

Character and appearance

6. The area consists of terraced and semi-detached dwellings with front gardens, long, narrow rear gardens and many with garages towards the rear end of the plots. The garages are a mix of pitched, flat and sloped roof design. The appeal site includes a rear conservatory and large rear outbuilding, retaining a large garden in between, which in combination make a neutral contribution to the character and appearance of the area.
7. The proposed single storey rear extension would project further into the garden than the existing conservatory and span the width of the property. Although this would increase the scale of the rear addition, it would remain single storey and subservient to the host dwelling. Furthermore, rear extensions are evident within the local area, although most do not project as much as the proposed addition. As a result, the design and layout of the proposed rear extension would complement the scale and form of the host dwelling and adjacent buildings. Therefore, this component would complement the character and appearance of the area.
8. The proposed outbuilding would replace the existing garage. It would have an increased height and depth, resulting in an increased scale. The proposed extended depth would occupy more of the rear garden. However, this would accord with a building line established by the neighbouring property's garage at 143 Eden Park Avenue. Moreover, as the width would be similar to the existing garage, there would be a minimal change to the proximity of the outbuilding to its site boundaries. Also, although it would taller than the garage of No 143, its height would be similar to other nearby outbuildings and would therefore be in character with the area. It would not therefore be regarded as a dominant structure or be visually intrusive within this context.

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9. Accordingly, the proposed extension and outbuilding would complement the character and appearance of the area. Consequently, the proposal would accord with policies 6 and 37 of the Bromley Local Plan [2019] (LP). These seek, with respect to matters of character and appearance, for development to complement the scale, proportion, form, layout and materials of adjacent buildings.

Living conditions

10. As the proposed rear extension would span the width of the property, it would be close to the side boundary of the neighbouring occupant's plot of No 139. This would be within the outlook of rear facing windows that serve habitable rooms at ground floor. Although within the occupier's outlook the impact on a sense of enclosure would be limited, being single storey only.
11. The extension would replace the existing conservatory, which already creates a certain sense of enclosure. The proposed extension would be a more solid form and have an increased height and depth. However, the effect on outlook would be limited as occupiers would maintain their main view over their own garden. Furthermore, the visual impact of the extension would affect only a small proportion of the neighbouring occupant's field of vision having a minimal impact. Therefore, the proposed extension would not significantly affect the living conditions of the neighbouring occupants at no. 139 with regards to enclosure, outlook and visual impact.
12. As mentioned in the character section above, the outbuilding in terms of design, siting and layout would complement the surrounding area, therefore it would not significantly affect the outlook of neighbouring properties.
13. As such, the proposed extension and outbuilding would not materially harm the living conditions of adjacent occupiers in compliance with LP policies 6 and 37. With respect to matters of impact on living conditions, these policies seek development that would be compatible with surrounding development and respect the amenity of occupiers of neighbouring buildings.

Car parking

14. The proposed outbuilding would replace the existing garage and therefore reduce the number of available parking spaces and also potentially increase the number of occupants on site. From my site visit it appears that the primary use of the garage is for storage instead of parking, therefore the loss of parking space is minimal. The increased living capacity may increase the demand for on-street parking. However, Eden Park Avenue is not subject to parking restrictions, and the appellant refers to the availability of on-street parking. Furthermore, it seems that a parking space could be provided to the rear of the outbuilding as a parallel parking bay if required.
15. Furthermore, LP policy 30, parking provision refers to the provision of parking when considering new development, rather than for householder development, and therefore is not applicable in this case. In any event, the proposal would not exceed the parking sought in the London Plan which seeks a maximum provision.
16. As such, the proposal would be unlikely to create significant demand for on-street parking and if it did create such demand this can be readily accommodated on local roads without causing parking pressure to the

detriment of highway safety. Accordingly, the proposal would not result in an adverse increase in on-street parking. As a result, the proposal would accord with LP Policy 30, which requires that development provides parking as set out in the London Plan.

Conditions

17. Conditions have been imposed with regard to the timeframe for the commencement of development, compliance with the approved plans and for external materials to match the existing building. The introduction of a new residential space, if it became a separate dwelling, would alter the character of the site and put pressure on parking and existing amenity space. As such, a condition to restrict the use of the outbuilding, to be used only in association with the main dwelling, would be required to mitigate adverse impacts.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, subject to conditions.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

Ben Plenty

INSPECTOR