



Appeal Decision

Site visit made on 27 February 2024 by N Manley BA (Hons)

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 JUNE 2024

Appeal Ref: APP/G5180/D/23/3332740

Cerises, Mottingham Lane, Mottingham, Bromley, London SE9 4RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Read against the decision of the Council of the London Borough of Bromley.
 - The application ref is 23/02577/FULL6.
 - The development proposed is a "First floor extension over existing conservatory & installation of eight solar panels."
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Decision

1. The appeal is dismissed.

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 revision of the National Planning Policy Framework (the Framework) in 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, I have provided both parties with an opportunity to comment on the revised Framework.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and the surrounding area; and
 - the living conditions of neighbouring residents, with regard to outlook and privacy.

Reasons for the Recommendation

Character and Appearance

5. Cerises is a two-story residence and was initially constructed as a detached bungalow. It is situated to the north of Mottingham Lane in a plot which boasts a spacious front garden and exhibits a notably lower elevation compared to adjacent plots. Positioned to the west of its plot, it sits in close proximity to the

boundary shared with the neighbouring property, Roselands. The surrounding area exhibits a diverse character, primarily characterised by two-story structures of varying designs. These styles range from large, detached properties from the early twentieth century to semi-detached homes. To the north of the site is a small development of several detached family homes exhibiting late twentieth century features.

6. The proposal would see the construction of a first floor above the current conservatory glazing to the rear of the property. This extension would take the form of a flat roof addition and would be adorned with red cedar cladding and black aluminium window frames, in some respects appearing similar in shape to a dormer window. On the ground floor, the glazed appearance of the existing conservatory would be retained and squared off with bi-folding doors. The proposal would also include four solar panels to the roof and four which would be fitted vertically to the first-floor south elevation.
7. The proposed size and scale of the extension would create a modest addition to the property. Additionally, the proposal would be positioned beneath the existing ridge line of the property, allowing it to appear relatively low in relation to the existing roof line. Consequently, the combined appearance of these elements would result in a built form which would appear subservient to the host dwelling.
8. The contemporary nature of the design would be an appropriate new building form in an area which has a varying overall character. Rather than appearing out of place or being visually harmful, the proposed development would intentionally juxtapose different architectural styles, creating a deliberate contrast between the existing dwelling and the proposed addition. Additionally, the proposed materials would enhance the contemporary character of the development, leading to an overall scheme which is complimentary to the existing character of the host building. In an area lacking a consistent design theme, these design elements would respectfully stand out, emphasising the development's contemporary nature.
9. Furthermore, although the proposal would be situated close to the boundary with the adjacent property, it would remain within the footprint of the existing dwelling. While the proposal would introduce a two-storey element, its dimensions and positioning would appear as a modest addition to the existing roofscape, ensuring it would not appear as an incongruous addition to the property.
10. For the above reasons, I conclude that the development would not lead to any adverse impact on the character and appearance of the host property and the surrounding area. Consequently, it would accord with Policies D3 and D4 of the London Plan (adopted March 2021) which emphasise the importance of high quality design. It would also accord with Policies 6 and 37 of the Bromley Local Plan (adopted January 2019) (BLP) which notably require developments to respect the host dwelling and surrounding area and be imaginative and attractive to look at.

Living Conditions – outlook

11. Orchard Cottage is a neighbouring bungalow situated directly north and parallel to the appeal property. It boasts a significantly large plot, allowing its rear garden to extend notably further westward from the appeal site. To the

southwest of the appeal site lies Roselands, a large, detached Edwardian residence. Its garden extends northward, directly behind Cerises, and up to the boundary with Orchard Cottage's rear garden.

12. The alignment and relationship of Orchard Cottage and the appeal property together with the separation distance between this dwelling and the proposed extension mean that the proposal would not harm residents' outlook.
13. The proposal would result in a two-storey elevation being closer to the boundary with Roselands. However, the proposed addition would be relatively small in scale compared to the current property, maintaining a subordinate appearance. Considering the modest size of the proposal and the surrounding residential area's development context and styles, the addition would not be more conspicuous than the existing roof. Furthermore, given the distance between the proposal and Roselands and its modest scale, it would not detrimentally impact the visual amenity or outlook of residents of this property.
14. I therefore find the residents of Orchard Cottage and Roselands would still enjoy a satisfactory outlook from their respective dwellings and the proposal would not result in any visual harm. Regarding outlook therefore, the development would accord with the aims of Policy 37 of the BLP inasmuch as it requires new development to respect the amenity of occupiers of neighbouring buildings.

Living Conditions – privacy

15. Although the Council has not raised concerns regarding privacy, the issue was raised by interested parties with regard to the prospect of the proposed windows on the new development leading to overlooking onto neighbouring gardens.
16. Considering the placement of the appeal property in relation to its adjacent neighbour, Orchard Cottage, I am satisfied the distances between the two plots would not lead to any further overlooking other than what is reasonably expected in a residential area and two properties located side by side.
17. The appeal property is positioned perpendicular to the rear garden of Roselands. The proposal would see the introduction of new first floor windows closer to the appeal site's rear boundary than the existing first floor fenestration. These windows would enable direct views of a large proportion of the rear garden of Roselands at a relatively close distance. Residents of this dwelling would therefore be overlooked when in the garden, given the proximity, height, and orientation of the proposed windows. This would result in an unacceptable loss of privacy to the rear garden of Roselands. The reduced level of Cerises in relation to its neighbouring properties would not help ameliorate the identified harm as views of the garden would still be possible.
18. The appellant contends that the woodland vegetation adjacent within the rear garden of Roselands would adequately block any unwanted views, thus reducing potential harm. However, this argument does not adequately address the harm posed by the proposal, especially when the trees are not in leaf. Furthermore, I am unconvinced that this vegetation could be retained for the lifetime of the development.
19. It is also the appellant's position that any identified harm could further be alleviated by a modest increase to the boundary fencing. However, I do not

have precise details as to what this proposed fencing would look like and it may give rise to other issues, such as potential detrimental impacts on the character and appearance of the host property and surrounding area, and the potential to introduce an excessively tall and overbearing fence when seen from the rear garden of Roselands.

20. Additionally, the appellant has suggested that any undue overlooking could be mitigated by using obscured glazing. However, I do not consider this an appropriate solution, as the windows in question would serve a habitable room where clear glazing would be expected to ensure satisfactory living conditions for current and future occupants.
21. As a result, the proposed development would be harmful to the living conditions of Roselands with regard to privacy. It would therefore be contrary to Policy 37 of the BLP, which seeks to ensure development respects the amenity of the occupiers of neighbouring buildings and those of future occupants with respect to privacy, amongst other considerations.

Other Matters

22. The appellant has highlighted the renewable energy and sustainable construction benefits of the proposal. Whilst these measures would be consistent with relevant policies of the BLP, they would not outweigh the identified harm, nor would they avoid conflict with the other policy I have cited.

Conclusion and Recommendation

23. The proposal would be contrary to the development plan when considered as a whole. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

F Wilkinson

INSPECTOR