



Appeal Decision

Site visit made on 30 July 2024 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/G5180/D/24/3343501

92b Sutherland Avenue, Biggin Hill, Westerham TN16 3HG

- 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 Martin Colborne against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/04918/FULL6.
 - The development proposed is described as 'first floor side extension'.
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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.

Main Issues

3. The main issues are the effect of the proposal on a) the living conditions of the occupiers of 92a Sutherland Avenue with specific regard to outlook and b) the character and appearance of the area.

Reasons for the Recommendation

Living Conditions

4. The appeal building is detached with a single storey garage which abuts the boundary of No 92a. The extension would be atop this section. Ground levels slope downwards slightly from Sutherland Avenue to the rear gardens of dwellings on this side.
5. The proposal would introduce a much taller wall along a substantial length of the side boundary to No 92a. This would be largely featureless. The somewhat looming effect of the height, proximity and run of the extension would appear overbearing to users of the rear garden of No 92a. Its scale and plainness would make the experience of the garden oppressive and garner a strong sense of enclosure, detrimentally affecting the outlook therefrom.
6. There is a gap between the existing garage and No 92a. It also benefits from a garden that extends to the side and not just to the rear. However, the second storey would still run at close quarters and direct right angles to the rear elevation of No 92a which will also have an unacceptable overbearing effect to the outlook experienced from its rear windows.

7. The proposed development would therefore cause harm to the living conditions of the occupants of No 92a Sutherland Avenue. This would be contrary to Policies 6 and 37 of the Bromley Local Plan 2019 (LP) and Policy D3 of the London Plan 2021 which are concerned with protecting residential amenity amongst other things.

Character and Appearance

8. The area surrounding the appeal site is predominantly made up of detached dwellings that all have differing styles. The closest properties are set back from the roadside with gardens to the front. The variation, set back and overall sizes of plots lends a pleasant spaciousness to the area which contributes positively to its character and appearance.
9. The extended part would be over an existing garage that abuts the boundary to create two storeys. There is a gap on the neighbouring site between the appellant's garage and their property. Combining the gap between the properties with the front garden and the property being set back from the roadside, there would still be a spacious feel around it. Although there would not be a 1 metre space from the side boundary of the site to the extension there is an adequate separation that will not create a cramped appearance, or any terracing as highlighted in the supporting text of Policy 8 of the LP.
10. The appellant has referred to other nearby properties where there are smaller gaps between each building. I viewed the examples at my site visit, and I have had regard to them when considering this appeal. It is evident that the property is within an area where there are a range of property styles, and the area is not characterised by the layout of each dwelling.
11. Given the sloping pitch of the roof and its position over the existing garage in line with the frontage of the property, the extension would take a visually subservient approach to the main dwelling. The extension would therefore be compatible with development in the surrounding area and not cause harm to the character or appearance of the area in accordance with Policy 6 and 37 of the LP and Policy D3 of the London Plan which require new development to respect the character of the surrounding area amongst other things.

Other Matters

12. The layout of each appeal site in the case of the decisions cited elsewhere in Bromley varied regarding distance to neighbouring properties and orientation of buildings. I have had regard to them, but they have not led me to recommend allowing the appeal with specific regard to, taking into account the above, neighbours' living conditions. I have not referred to Policy D1 of the London Plan since it relates to area assessments and plan making.

Conclusion and Recommendation

13. Whilst I have found compliance with the development plan regarding the second main issue, this would be because of a lack of harm which would be neutral and thus incapable of weighing in favour of the appeal scheme. I have found that there would be harm and subsequent development plan conflict regarding the first main issue. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR