



Appeal Decision

Site visit made on 24 June 2024 by N Manley BA (Hons)

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 NOVEMBER 2024

Appeal Ref: APP/G5180/D/24/3338906

69 Chelsfield Lane, Orpington BR5 4HG

- 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 Rustem Konakli against the decision of the Council of the London Borough of Bromley.
- The application Ref is 23/04413/FULL6.

The development proposed is described as a "first floor side extension."

Decision

1. The appeal is allowed and planning permission is granted for a "first floor side extension" at 69 Chelsfield Lane, Orpington BR5 4HG in accordance with the terms of the application, Ref 23/04413/FULL6, and the plans submitted with it, subject to the following conditions:
 - 1)The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2)The development hereby permitted shall be carried out in accordance with the approved plans: Sheet 2 Revision 1 Jan 2023, DRAWING_NO 2 and Job no. CD0000-00, DRAWING_NO 2 REV dated 14-NOV-2023.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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 site address as detailed on the application form has been amended in subsequent documents. The address I have adopted in the banner is one which reflects the location more precisely.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons for the Recommendation

5. No. 69 Chelsfield Lane is a semi-detached house situated along a suburban residential street. It stands prominently elevated from the road, typical of its

neighbouring properties. The houses on the opposite side are semi-detached bungalows but are obscured from view, set back on a private drive and shielded by mature trees, hedgerows, and abundant vegetation. From no 69, the surrounding visible area is predominantly marked by similar semi-detached houses, contributing to a uniform and regimented streetscape. Although the development pattern of these properties is consistent, their angled positioning results in the absence of a distinct building line.

6. The Council's position is that the proposal would lack subservience to the host property due to the forward projection of the ground floor plans. However, this extension has already been approved under a separate planning application. The second-story element would see an extension to the north of no 69 and would be set back from the front elevation, with a ridge height lower than the existing one. Considering these aspects, the overall impression of the extension would be one that appears subservient and respects the existing scale and form of the dwelling. It therefore follows that in terms of scale, siting and appearance, the proposal would complement the character and appearance of the host property.
7. Policy 8 of the Bromley Local Plan (BLP), adopted in January 2019, requires that proposals of two or more storeys maintain a minimum one-meter space from the side boundary of the site for the full height and length of the building. However, the angled positioning of the dwellings, the setback nature of the first-floor extension, and the existing significant gap between No. 69 and No. 67 Chelsfield Lane ensure that the proposal will not result in a cramped street scene. Thus, although the Council's policy of maintaining a minimum one-meter gap for a two-storey extension would be slightly infringed, the objective of the policy, to prevent a terracing effect, would not be compromised, and the proposal would ensure adequate separation is maintained.
8. Given the above, the proposal would not harm the character and appearance of the host property or the surrounding area and would therefore comply with Policies 6, 8 and 37 of the BLP. In particular, these policies seek to ensure that development should complement the scale, form and materials of the host dwelling and adjacent buildings, protect spatial standards and be compatible with the development in the surrounding area.

Other Matters

9. I have had regard to all the representations made on the proposal. Various objections were raised by stakeholders, covering issues such as the proposal's potential harmful effects on neighbouring living conditions, a potential risk of subsidence, concerns regarding how the development would set a precedent and a potential loss of value to neighbouring properties.
10. The Council did not find harm with respect to the proposal's effects on neighbouring living conditions in respect of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. Based on the evidence before me and my own observations, I see no reason to disagree with its conclusions. Consequently, the absence of harm in these respects is a neutral matter weighing neither for nor against the proposal.
11. There is no substantive evidence before me of any existing subsidence issues in the area and I have not been provided with specific details to indicate that the

proposed development would lead to any adverse impacts in this regard. Also building regulation approval, a matter outside the scope of this decision, would ensure that the extension would be constructed to suitable construction standards.

12. With regards to the potential for this proposal to set a precedent for similar development, any future applications would be assessed on their own merits. Furthermore, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property.

Conditions

13. In addition to the standard implementation condition, it is necessary in the interests of precision, to define the plans with which the scheme should accord to those submitted with the application. A condition regarding external materials is considered necessary to preserve the character and appearance of the locality.

Conclusion and Recommendation

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

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed subject to conditions.

Ben Plenty

INSPECTOR