



Appeal Decision

Site visit made on 15 October 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 DECEMBER 2024

Appeal Ref: APP/G5180/W/24/3344115

23 Footbury Hill Road, Orpington BR6 0HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Zach Moyo against the Council of the London Borough of Bromley.
 - The application reference is DC/24/00885/FULL6.
 - The development proposed is the demolition of existing 2-storey side and rear extension; erection of 2-storey side and rear extension.
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Decision

1. The appeal is dismissed and planning permission for the demolition of existing 2-storey side and rear extension; erection of 2-storey side and rear extension is refused.

Background and Main Issues

2. The Council had not determined the planning application prior to the appeal being lodged. Its appeal statement indicated that it would have refused planning permission for two reasons; based on that statement and all the other evidence before me I consider the main issues to be the effect of the proposed extension on:
 - The character and appearance of the area; and
 - Neighbours' living conditions, with particular regard to whether it would be overbearing or lead to an unacceptable loss of privacy in respect of No 21 Footbury Hill Road.

Reasons

Character and appearance

3. The appeal property is a two-storey semi-detached house on the west side of Footbury Hill Road. It is on a site which slopes upward steeply from left to right (as viewed from the street) and from front to rear. Because of this topography the "original" main ground floor is some way above street level and entered via a set of steps in the front garden. There is an extension on the south side of the building, with two rooms used as bedrooms on the ground floor which sit above and behind a garage on the lower ground floor level. A gated yard alongside the garage gives access to the rear garden. The surrounding area is predominantly residential; there are semi-detached and detached dwellings, and a mix of bungalows and two-storey houses, in a range of styles and designs.

4. The proposed development is the demolition of the existing two-storey extension, and the erection of an L-shaped two-storey extension wrapping round the building with accommodation at ground and lower ground floor levels; the extension would be approximately 5m wide (measured from the side wall of the “original” building, leaving a 1.5m gap to the boundary with the adjoining No 21. A separate addition at the rear of the first floor would extend a bedroom over the existing kitchen.
5. The proposed side extension would be significantly wider than the original building, and as a result would appear as a bulky and disproportionate addition to the property. It would unbalance the massing of the semi-detached pair of which the appeal property is part (its “twin”, No 25, has not been extended at the side and because of the very limited space alongside it there appears little potential for it to be extended), and relocating the main entrance from the front to the side would give the front an incongruous appearance. The sloping topography of the area means that the bungalows at Nos 19 and 21 are at a lower level than the appeal property; No 23 is prominently seen at the entrance to this part of Footbury Hill Road from Perry Hall Road. All things considered, the extension would be a dominant and discordant element in the local streetscene.
6. I therefore conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. It would conflict with Policies 6 and 37 of the 2019 Bromley Local Plan (“the BLP”) which, among other things, seek to ensure that development is well-designed, and that residential extensions are of a scale and form which respects and complements the host building and the surrounding area.

Living conditions

7. The appeal property is in an elevated position with respect to No 21. The bulk, massing and proximity of the proposed extension mean that it would be a dominant and overbearing feature when seen from within, or from the nearest parts of the rear garden of, No 21. This would have an adverse effect on living conditions for the occupiers of that neighbouring dwelling.
8. The extension would include window openings on the south-facing elevation towards No 21. All but one of these would be on the lower ground floor; the one window on that elevation at ground floor level would serve a WC and therefore would have obscure glazing. There would be more windows facing No 21 than at present, although the existing first-floor bedroom windows, which I saw offer largely unobscured views over No 21 would be removed as part of the scheme. The lower ground floor rooms would each have additional windows on other elevations and, were the proposal otherwise acceptable it would be possible to impose a condition requiring the side windows to be fitted with obscure glazing. Subject to such a condition, I am satisfied that the effect on privacy would effectively be neutral. However, this would not overcome or negate the harm caused by the extension being overbearing.
9. I therefore conclude that the proposed development would cause unacceptable harm to neighbours’ living conditions. It would conflict with Policies 6 and 37 of the BLP which, among other things, seek to ensure that development, including residential extensions, is compatible with development in the surrounding area and respects the amenity of neighbouring occupiers.

Other Matters

10. The appellant has explained that the proposed extension would provide additional living accommodation for his family who are currently living in somewhat cramped conditions. It would also provide a wheelchair accessible entrance for his disabled father, who cannot access the front door via its steep steps. While I am sympathetic on these points, they can only carry limited weight in my assessment; personal circumstances rarely outweigh planning concerns, and I am mindful that the proposed extension would remain in place long after the current personal circumstances have ceased to be relevant.
11. The appellant has provided correspondence with the Council discussing the possibility of reducing the width of the side extension to 3.5m or 4m; he has indicated that he would be happy to consider a proposal for a 4m wide extension. However, while it may well be that a scheme can be developed which is acceptable, it is not appropriate for me to attempt to pronounce on that matter as part of my determining this appeal; it would require the submission of a new planning application to the Council.

Conclusion

12. The proposal conflicts with the development plan taken as a whole. There are no material considerations, including those of the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
13. I therefore conclude that the appeal should be dismissed and planning permission refused.

M Cryan

Inspector