



Appeal Decision

Site visit made on 10 December 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/G5180/W/24/3343022

7 Oakhill Road, Beckenham, London, BR3 6NG

- 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 and Mrs Woodman against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 23/03879/FULL6.
 - The development proposed is a side and rear extension to existing dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans have been submitted with the appeal. These show a reduction in height of the proposed side extension, altered materials, alterations to the front façade of the side extension, and a reduction in size of the proposed first floor rear terrace. I note that the Council and some interested parties commented on the amended plans. However, I cannot be certain that all interested parties have been given the opportunity to make representations on these changes giving rise to procedural unfairness. For that reason, I will not accept them.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the neighbouring occupiers at 5 and 9 Oakhill Road with particular regard to privacy, outlook, light, noise and disturbance.

Reasons

Character and appearance

4. The appeal property is a detached three-storey dwelling which features a pitched roofed front gable and front dormer window. There is also a single storey rear projection and an existing conservatory attached to the eastern flank of the house. The appeal dwelling is one of four properties at Nos 1-7 Oakhill Road that are similar in design and appearance.
5. The appeal dwelling lies within an established residential area which is varied in character. There is a mix of Victorian properties and post-war housing as well as

varying heights and degrees of gaps between the buildings. Although the site does not lie within an Area of Special Residential Character (ASRC) or a Conservation Area, the visual gap between No 7 and the neighbouring bungalow at No 9 contributes to a pleasant sense of spaciousness along this part of the road. I also concur with the view that the open space around the appeal dwelling contributes to its original character.

6. The proposed side to rear extension would feature a pitched roof and gable that would tie-in with the form of the host dwelling as it would reference the existing front gables. Whilst I do not consider that the proposed materials and brickwork would harm the appearance of the host dwelling, the proposed front fenestration and door to the boot room would jar with the front profile of the property. Its contemporary appearance would fail to harmonise with the historic character and period features of the front elevation of the house.
7. Furthermore, the height of the roof ridge would be significant and would appear prominent. The depth of the extension would also be considerable, extending from the front of the property to beyond the single storey rear extension. Whilst the appellant states that the gabled roof offers relief to the neighbouring boundary at 9 Oakhill Road, the scale of the side extension and volume of roofscape proposed would be excessive and would not appear sufficiently subservient to the host dwelling.
8. The proposed side extension would extend to the common boundary with No 9, filling-in the entirety of the side space. This would erode the visual gap between the properties, create a terracing effect, and thus reduce the sense of spaciousness which exists around the appeal dwelling and this part of Oakhill Road. The appellant states that the existing conservatory already erodes any visual gap, however, the conservatory is well set-back towards the rear of the property and is a relatively light-weight structure of limited height such that it doesn't erode the openness around the property.
9. Nos 8 and 10 Oakhill Road feature side extensions which sit on their common boundaries. However, these are notably more set-back from their front elevations compared to the proposal and appear as subservient additions. In light of its undue scale and design, the side extension would thus be read as an incongruous and dominant addition which would negatively impact the character of the appeal dwelling as well as the streetscene.
10. The single storey rear extension would feature a large terrace above and a significant extent of glazed balustrading. In my view, the scale of the single-storey extension and proposed brickwork would not unbalance the form or adversely impact the appearance of the existing dwelling. However, the size of the terrace and the amount of glazed balustrading would be excessive and would constitute an incongruous feature.
11. Given the above, the proposal would harm the character and appearance of the appeal property and surrounding area. It would conflict with Policies 6 and 37 of the Bromley Local Plan 2019 insofar as they seek to ensure proposals are well-designed, are appropriately scaled, and respect space or gaps that contribute to the character of an area.

Living conditions

12. The neighbouring bungalow at No 9 has a patio area close to the boundary with No 7 as well as windows that would directly face the proposed side to rear extension. The appellant opines that there would be adequate separation given the bungalow is stepped away from the boundary. They add that the existing garage would provide a form of buffer between the proposed development and No 9's windows.
13. A considerable proportion of the proposed side extension would protrude beyond the rear of the neighbouring garage and along the common boundary. When viewed from the patio area and flank windows of No 9, the height of the proposed side extension would appear obtrusive and would erode the outlook of the neighbouring occupants. The separation distance would be minimal and given the flank windows are directly oriented towards the site, the development would be read as a dominant and disproportionate addition and would trigger an adverse sense of enclosure. The existing vegetation on the boundary is limited and would not sufficiently screen the development.
14. Furthermore, due to the position of the buildings, the proposed side extension would reduce the amount of daylight and sunlight received within the patio area during late afternoons and evenings and, in particular, during the winter months.
15. The proposed single storey rear extension and first floor rear extension would increase the amount of built form along the northwestern elevation of the appeal dwelling. At only 3 metres, the separation distance between the resultant side elevation and the neighbouring ground floor window serving Flat 1 of 5 Oakhill Road would be negligible. Having had regard to the comments and representations of neighbouring occupiers, I find that the additional first floor element and the increase in depth of the single storey flank wall would significantly reduce the amount of daylight and sunlight received within the ground floor bedroom of Flat 1. As the window is oriented towards the southeast, the proposal would mainly reduce the amount of sunlight during the morning hours. This would unacceptably harm the living conditions of the neighbouring occupier.
16. The proposed roof terrace would also be located in close proximity to No 5. Its elevated position means that the occupants of the appeal dwelling would be able to peer down towards the ground floor bedroom of No 5. This would adversely impact the privacy of the neighbouring occupier. What's more, although the appellant highlights that it is unlikely there would be any issues relating to noise, there is no certainty over this matter. The enlargement of the terrace increases its potential capacity. Its proximity to the neighbouring building increases the likeliness that its use would disturb the adjoining occupants.
17. Consequently, the proposal would harm the living conditions of the neighbouring occupiers at 9 Oakhill Road and Flat 1 of 5 Oakhill Road with regards to a loss of privacy, outlook, light, noise and disturbance. It would be contrary to Policies 6 and 37 of the Bromley Local Plan 2019 insofar as they seek to ensure proposals are compatible with surrounding development and respect the amenity of neighbouring occupiers.

Other Matters

18. The appellant states that a side extension could be achieved via Class A of Part 1, Schedule 2 of the Town and Country (General Permitted Development) Order 2015.

However, the proposed roof ridge height of the proposed side extension would be greater than what could be achieved via Class A. Whilst the proposed eaves height would be lower than 3m, it is likely that the proposal would have a greater impact than what could be achieved via Class A given the height of the roof ridge. I have attached limited weight to this consideration.

19. The historic maps provided by the appellant appear to show that the single storey rear element on the northwestern elevation of the appeal dwelling adjacent to 5 Oakhill Road forms part of the original footprint of the dwelling. Therefore, the appellant states that a rear extension could also be achieved via Class A. I have no substantive evidence to indicate that there is more than a theoretical prospect that a Permitted Development scheme would be submitted should this appeal be dismissed. This limits the weight that I can attach to this prospect as a fallback position. Also, given the proposed rear extension features a roof terrace and balustrading, it is likely that it would have a greater impact than what could be erected via Class A. I have attached minimal weight to this consideration.
20. The appellant refers to side extensions on Foxgrove Road that have contemporary designs and which feature contrasting materials to their host dwellings. I have found that the proposed contrasting brickwork would adequately harmonise with the appeal dwelling. I do not find that the developments at Nos 34 and 38 resemble the front profile of the proposed side extension and, therefore, they are not comparable. Furthermore, I have limited information regarding the scale of the extensions at 8 and 10 Perth Road and cannot accurately determine how comparable they are to what is proposed. I have attached limited weight to these considerations.
21. I note that the owners of No 9 do not object to the proposals. However, there is no certainty regarding how long they would remain the owners. I must also have regard to the living conditions of future occupiers. In any event, this property would not be the sole property affected by the proposals. Therefore, this consideration only attracts very limited weight.
22. I acknowledge that the proposed scheme would allow additional accommodation for the current occupiers. However, this private benefit would not outweigh the harm I have identified.

Planning balance and conclusion

23. The proposal would harm the character and appearance of the appeal dwelling and surrounding area. It would also harm the living conditions of neighbouring occupiers. The limited weight attached to the other matters put forward would not outweigh the significant harm I have identified.
24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
25. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR