



Appeal Decision

Site visit made on 11 December 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/G5180/D/24/3342996

41 Lennard Road, Bromley BR2 8LN

- 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. Ray Johnson against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/00297/FULL6.
 - The development proposed is the addition of first floor to create two storey dwellinghouse, demolition of existing outbuilding and conservatory and construction of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of first floor to create two storey dwellinghouse, demolition of existing outbuilding and conservatory and construction of single storey rear extension at 41 Lennard Road, Bromley BR2 8LN in accordance with the terms of the application, Ref DC/23/00297/FULL6, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos; DRAW/41.LR/1222/001/R1; DRAW/41.LR/1222/002; DRAW/41.LR/1222/003; DRAW/41.LR/1222/004/R2; DRAW/41.LR/1222/005/R2.
 - 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the existing mature tree (the tree protection plan for the retained tree) in the front garden of the site and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained tree shall be carried out as approved.
 - 4) The development hereby permitted shall not be occupied until at least two vehicle parking spaces have been provided on the site. Thereafter those spaces shall be retained for the parking of vehicles only.
 - 5) The development hereby permitted shall not be occupied until details of the refuse and recycling storage facilities, including the means of enclosure where necessary, shall be submitted to and approved in writing by the local planning authority. The facilities shall be retained as approved thereafter.

- 6) The development hereby permitted shall not be occupied until details of the cycle storage facilities, including the means of enclosure where necessary, shall be submitted to and approved in writing by the local planning authority. The facilities shall be retained as approved thereafter.
- 7) Prior to the commencement of any above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the local planning authority. The approved drainage system shall be completed in accordance with the approved details prior to the occupation of the development hereby permitted.

Applications for costs

2. A cost application has been submitted by the appellant against the Council and that is subject to a separate decision.

Preliminary Matters

3. In the Council's decision notice the description of development has been changed from that included on the application form. This change has been accepted by the appellant. As I consider the amended description accurately describes the proposed development, I have also adopted that description.

Main Issue

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

Reasons

5. The appeal property is located within an established residential area comprising a varied mix of house types, styles and ages including relatively new houses on an estate of predominantly two storey properties as well as older terraced, semi-detached and single storey dwellings.
6. The appeal property is in a short row of detached bungalows although being at the end of the row it is adjacent to a track and then a pair of semi-detached two storey houses. There are also two storey houses opposite the appeal site. As a result of this mix of house styles and designs there is no typical house type, and certainly two-storey houses are a common feature in the streetscene which do not detract from the existing character and appearance of the area. Moreover, the appeal property and the bungalow next door are in a dilapidated condition with overgrown gardens which does detract from the existing appearance of the area.
7. The proposal would involve the introduction of an additional storey as well as a single storey extension to the rear. The proposed development would not close the gap with the adjacent property and although it would extend the existing flank wall upwards which is already on the common boundary, due to the set back of the flank wall on the adjoining site the proposal would not appear unduly cramped on the plot. Further, as the neighbouring property is set back from the common boundary, the proposed extension would not result in an unacceptable terracing. Consequently, in this case it is not necessary to require a one metre space from the side boundary as normally required.

8. The architectural design, roof style and pitch would be in keeping with the host building, and the increase in height would result in a building with a scale and mass that would be consistent with and proportionate to the principal dwelling and other surrounding properties. Consequently, the proposal would not appear overly dominant in relation to either the existing row of single storey dwellings, nor the two storey dwellings opposite or further along the same side of the road.
9. The proposed single storey rear extension would be set in by a small distance from the side elevations on both sides of the host property and would appear proportionate and ancillary in scale to the principal dwelling, surrounding properties and to the character of the area. As a result, this element would not have an adverse impact on the character and appearance of the host building or the wider area.
10. I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the host building and the area and would comply with Policies 6 and 37 of the London Borough of Bromley Local Plan January 2019 (BLP) and Policy D3 of The London Plan – The Spatial Development Strategy for Greater London – March 2021 (the London Plan). Amongst other things, these seek to ensure development is of a high standard of design and layout that positively contributes to the existing streetscene and that the scale, form and materials of an extension should respect the host dwelling, be compatible with development in the surrounding area and should respect space or gaps between buildings where they contribute to the character of the area.
11. Moreover, as set out above, as the side elevation of the property on the adjoining site is set back from the common boundary, the proposal would not harm the character and appearance of the area and consequently it is not necessary to strictly comply with Policy 8 of the BLP which suggests that normally a minimum of one metre space from the side boundary should be retained for a two storey extension.
12. The proposal would also comply with the National Planning Policy Framework (Framework) which supports opportunities to use airspace above existing residential premises and seeks to ensure that developments are sympathetic to local character.

Other Matters

13. I note concern has been expressed that the additional windows at first floor level would result in a loss of privacy. However, none of the new first floor windows would have unacceptable views towards habitable rooms or gardens of neighbouring properties. As a result, the proposed development would not result in unacceptable harm to the living conditions of neighbouring residents.

Conditions

14. I have had regard to the conditions suggested by the Council and the comments on them from the appellant. Consequently, I have amended, and where appropriate deleted them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG). It is necessary to impose a pre-commencement condition and the appellant has confirmed that they agree to such a condition.

15. A condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the area it is necessary to impose a condition to ensure that the mature tree in the front garden is protected during construction as although it is not protected it is an attractive specimen and makes a positive contribution to the character and appearance of the area.
16. In the interests of highway safety, it is necessary to impose a condition in relation to vehicle parking. However, I have simplified the proposed condition as the plans do not indicate that a garage has been proposed as part of the proposed development. Further, insufficient details about the specific parking arrangements have been provided to satisfy me that the proposed condition is adequately precise. The Officer's delegated report indicates that the two parking spaces required can be accommodated on the site and I agree. Consequently, I will impose a condition that specifies at least two parking spaces will be provided on the site prior to the occupation of the development. In the interests of the character and appearance of the area it is necessary to impose a condition to require details of cycling, refuse and recycling storage facilities to be submitted and approved.
17. To protect the area from flood risk it is necessary to impose a condition to ensure the implementation of a surface water drainage scheme. I have taken account of the appellant's comments that some aspects of the requirements should be restricted to the rear extension. However, given the proposed changes to the existing dwelling, I consider that it is reasonable for the condition to cover the entire development and it is necessary to prevent any above ground development before the relevant details are approved. Given that the development is a modest householder scheme, it is unnecessary to impose a condition requiring the submission and implementation of a construction and environmental management scheme.

Conclusion

18. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR