

Appeal Decision

Site visit made on 30 August 2016

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2016

Appeal Ref: APP/G5180/W/16/3152457

Land Adjacent To 72 The Avenue, St Pauls Cray, Orpington, Kent BR5 3DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mark Smith against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/05550/FULL1, dated 17 December 2015, was refused by notice dated 8 March 2016.
 - The development proposed is a detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposal on: -
 - (a) The character and appearance of the area;
 - (b) The living conditions of future occupiers; and,
 - (c) Parking and road safety in surrounding highways.

Reasons

The character and appearance of the area

3. The appeal site is located on a splayed corner spanning The Avenue and Bostall Road. Whilst this roughly triangular shaped site has an elevated siting and forms part of the residential curtilage of no 72 The Avenue, it is grassed and free from development, similar to other corner sites that I observed at junctions within this estate, although I acknowledge these are public areas.
 4. The proposed development would create a two-storey dwelling on the site with an area of hardsurfacing to one side. Built development would occupy much of the site and change its character from an open grassed area to a developed site. Whilst the overall scale, layout, form, and materials of the proposed dwelling and type of accommodation proposed would be similar to that of neighbouring dwellings, the proposal, being within the grassed area at the highway junction, would not reflect the prevailing pattern of development in the area. In addition, the elevated positioning of the appeal site to that of the adjacent highway would increase the prominence of the development when viewed from the surrounding area and would result in the dwelling being more
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noticeable for this reason. This combination of loss of space and intrusiveness would result in a development that would have an unacceptable affect on the character and appearance of the area.

5. Although garden sizes in the locality vary, gardens are an important element of the character of the area. The external space around the proposed dwelling would be noticeably smaller than that typically found within the area which adds to my concerns regarding the effect of the development on the character of the area. The proposal, whilst not impacting upon the living conditions of neighbouring occupiers and having a separation between adjoining properties and around the highway frontage, would be inconsistent with the pattern of development as a result of the lack of external space. The proposed development would be an overdevelopment of the site as outdoor space reflective of that within the area would not be provided.
6. For these reasons I conclude that the proposal would be harmful to the character and appearance of the area. The proposed development is contrary to Policies H7, H9 and BE1 of the Unitary Development Plan (UDP) which seek new development to be of a high standard of design and layout and not to detract from the existing street scene and landscape features, amongst other matters.

The living conditions of future occupiers

7. The proposal is a 3 bedroom dwelling. Policy 3.5 of the London Plan sets out minimum space standards for new development and indicates that for a 2 storey, 3 bedroom 4 person dwelling (taking the property at a minimal occupancy level, that is, 1 double room and 2 single rooms equalling a 4 person dwelling) a gross internal area of 84m² is required. The Council advises that the overall floor space would be 78.36m².
8. The appellant contends that the proposal would meet density requirements and the floor area of the proposed dwelling would be commensurate with the existing built form in the area. However, in the absence of any contradictory information, I have no evidence before me that would refute the Council's internal floor space calculations.
9. Policy 3.5 indicates that Councils should incorporate minimum space standards that generally conform to table 3.3. Nevertheless the Council does not have standards in place. In the absence of such local standards the London Plan sets the appropriate thresholds to which new development should adhere. These minimum space standards ensure that development is not cramped internally, ensure adequate room sizes and that convenient and efficient room layouts can be achieved. The proposed dwelling would fall short of the requirement set out in the table. In my judgement, these standards set out an appropriate minimum space standard for a dwelling of this type. The shortfall in this instance, while not very substantial, is significant in my view, and would result in cramped accommodation for a family dwelling of this type. There is nothing about the particular scheme before me to address this concern.
10. For these reasons I conclude that the proposal would be harmful to the living conditions of future occupiers. The Council has referred to policies H7 of the UDP, however I do not consider it to be relevant and it does not deal with living standards. I regard Policy 3.5 of the London Plan as the most relevant. The proposed development is contrary to this policy which seeks, amongst other

matters, new housing development to be designed to the highest quality internally.

Parking and road safety in surrounding highways

11. In the main the properties in the area have off road parking in the form of driveways that traverse the grass verges to the front of properties. Although many properties have garages, I saw that parking takes place on the driveways within the frontage of the properties and upon the verge crossovers. Whilst the Council asserts in its statement that on-street parking is not characteristic of the area I observed that the highways around the appeal site have some on-street parking taking place.
12. It appeared to me that there is a moderate demand for on-street parking in the surrounding area and I note that parking is not restricted in the surrounding streets. No substantive evidence in the form of, for example, accident or traffic flow data, has been provided to suggest that this on-street parking has had any adverse impact upon highway safety or efficiency in the area, to the detriment of the objectives of the UDP, or that the addition of further private vehicles parked on the highway would compromise this. Whilst I appreciate that on-street parking is likely to vary throughout the day, it was apparent to me that there was capacity on the public highway to park vehicles and I have no good reason to conclude that competition for spaces would be significantly greater at other times. Taking into account that the potential increase to on-street parking would be low it is unlikely that there would be any significant adverse effect on highway safety or the free flow of traffic as a result of an additional dwelling.
13. Taking the above matters into consideration, I conclude that the proposal would not have an adverse impact upon users of surrounding highways as a result of additional on-street parking or have an adverse impact upon road safety. It would not, therefore, conflict with Policies T3 and T18 of the UDP which seek, amongst other matters, to ensure that road safety is not adversely affected and that off-street parking spaces will be no higher than the parking standards.

Other matters

14. The proposal would provide an additional home within the urban area in a sustainable location. Whilst the proposal would contribute one dwelling to the Borough's overall housing supply, this benefit would not outweigh the harm identified above in relation to the character and appearance of the area.

Conclusions

15. Whilst I have found in favour of the appellant in terms of the effect on parking and road safety in surrounding highways and in respect of the living conditions of future occupiers, this does not overcome the identified harm in relation to the other main issue. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR