

Appeal Decision

Site visit made on 23 August 2016

by Elizabeth Pleasant 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/16/3152088

Land adjacent to 24 Chesterfield Close, Orpington BR5 3PQ

- 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 Mr Steve Blake on behalf of Portman Homes against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00444/FULL1, dated 29 January 2016, was refused by notice dated 9 May 2016.
 - The development proposed is construction of 6 new one bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect on the:
 - Character and appearance of the area; and
 - Living conditions of the occupiers of neighbouring residents, with particular regard to outlook, light, noise and disturbance.

Reasons

Character and appearance

3. The appeal site occupies a prominent location on the corner of Sweeps Lane and Chesterfield Close. The site is covered in dense vegetation and self seeded trees which contribute significantly to the relatively rural and sylvan character of Sweeps Lane in this location. The surrounding properties are semi-detached dwellings which display attractive and dominant hipped roofs. They front towards Chesterfield Close, and their relatively consistent design, form, scale, and positioning within the deep plots provides the street with an attractive appearance, spaciousness and rhythm which is visually distinct.
 4. The appeal proposal would introduce a substantial building onto the appeal site, which by reason of its design, scale and form would contrast sharply with the appearance of neighbouring properties. Its box form would not sit comfortably in this location and would jar with the distinct local character which I have identified above. Moreover, by reason of its position so close to the common boundaries of the site with Sweeps Lane and the connecting public footpath to Chesterfield Close the proposed building would dominate this corner
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and conflict with the established pattern of development in this location and its more spacious qualities.

5. The scale of the proposed development and consequent site layout would provide little opportunity for any soft landscaping within the site, particularly along the site's frontage with Sweeps Lane. Consequently, its dominant block form would diminish the rural qualities which currently prevail in this urban fringe location and the short section of hedgerow to be provided would not mitigate this effect.
6. I have had regard to the Council's need to supply sufficient homes to meet an identified housing need, including a mix of housing types and sizes. I have also taken into consideration the flat roof design to facilitate the installation of solar panels and reduce the overall height of the building. However, these considerations do not outweigh the harm I have identified by the proposed site layout, design and form of the development which would fail to complement the qualities of its surroundings or reflect the identity of the local area.
7. I conclude that the proposed development would cause significant and demonstrable harm to the character and appearance of the area. I therefore find conflict with Policies BE1 and H7 of the Council of the London Borough of Bromley's Unitary Development Plan, 2006 (UDP) which seek to ensure, amongst other things, that new development complements the scale, form, layout and materials of adjacent buildings and areas.

Living conditions

8. The proposed parking area would adjoin the rear garden areas of Nos.2, 22 and 24 Chesterfield Close. However, these properties have relatively large back garden areas and the car parking area would be adjacent to the very ends of these gardens and away from their living accommodation. Furthermore, the proposed parking area is not extensive and only provides space for five cars. It would be reasonable to impose a condition for the area to be enclosed by a solid fence which would mitigate noise from manoeuvring and headlight glare. Consequently I do not consider that the location of the proposed parking area would cause significant harm to the living conditions of neighbouring residents through noise and disturbance.
9. The proposed building would be located adjacent to No 24 Chesterfield Close. I have noted that the proposed windows that would overlook the garden of No 24 would be fitted with obscure glass to safeguard the privacy of the occupants of that property and the proposed building would be sited sufficient distance away from the living accommodation within No 24 so as not to cause any loss of light to its occupiers. However, although the proposed building would not be located immediately adjacent to the common boundary of No 24, it would extend alongside almost the whole depth of its rear garden. Consequently, the scale and form of the proposal would be such that the occupants of No 24 would experience a high sense of enclosure and the building would be unduly dominant, particularly from within the garden area.
10. For these reasons I conclude that although the proposed development would not harm the living conditions of neighbouring occupiers by reason of noise, disturbance or loss of light, it would have a harmful effect on the living conditions of No 24 Chesterfield Close by reason of loss of outlook. The proposal would therefore conflict with Policy BE1 of the UDP which seeks to

ensure, amongst other things, that the development should respect the amenity of occupiers of neighbouring buildings to ensure their environments are not harmed.

Conclusion

11. For the reasons given above and taking into account all other matter raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR