
Appeal Decision

Site visit made on 6 September 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 23 September 2016

Appeal Ref: APP/G5180/W/16/3149502

213-215 Kings Hall Road, Beckenham, Bromley BR3 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Brookworth Homes Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/04458/OUT, dated 9 October 2015, was refused by notice dated 4 April 2016.
 - The development proposed is the introduction of access road and erection of three detached dwellings, each with a double garage, parking and associated landscaping.
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Decision

1. The appeal is allowed and outline planning permission is granted in respect of access and layout for the introduction of an access road and erection of three detached dwellings, each with a double garage, parking and associated landscaping at 213-215 Kings Hall Road, Beckenham, Bromley BR3 1LL in accordance with the terms of the application, Ref DC/15/04458/OUT, dated 9 October 2015, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal was submitted in outline with access and layout to be determined at this stage. Appearance, scale and landscaping form reserved matters. I have considered the appeal on this basis with sketch elevations of the proposed dwellings being for indicative purposes only.
3. The application form states the site address as 213-215 Kings Hall Road however the Council's decision notice shows the address as 213 Kings Hall Road. I have used the site address stated on the application form as the appeal site relates to both properties.
4. The description of development I have used in the banner heading reflects that in the original planning application form. I note that at Question E of the Appeal Form it is stated that the description has not been changed but a different wording is provided making reference to it being an outline planning application in respect of access and layout. I consider this revised wording better describes the development and therefore I have used it in my decision.

Main Issue

5. The main issue raised in this case is the effect of the development on the character and appearance of the area.
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Reasons

6. The appeal site forms an area of land lying to the rear of Nos 207 - 215 Kings Hall Road and Nos 175-191 Lennard Road. It comprises part of the side and rear garden to No. 215 Kings Hall Road and part of the rear garden to No. 213. The site includes grassland, mature shrubs and trees, a pond together with a couple of outbuildings and the remnants of a model railway line. The land includes an area of protected trees along the western boundary and lies adjacent to Metropolitan Open Land.
7. The area is residential in character and includes large detached and semi-detached dwellings on Kings Hall Road, a wide tree lined street. Properties have long rear gardens and good size plots which contribute to the character of the area. Gaps between dwellings allow views of existing trees and landscaping within the appeal site. Dwellings on Lennard Road form smaller semi-detached properties. Again the road is tree lined and the houses overlook playing fields on the opposite side of the road giving the area a spacious and verdant character. Houses on Lennard Road which back on to the appeal site also in the main have long narrow rear gardens.
8. Policy H7 of the Bromley Unitary Development Plan (UDP) concerns housing density and design. Amongst other objectives the policy seeks to ensure that buildings are designed to a high quality and recognise and complement the qualities of the surrounding area. Paragraph 4.33 of the supporting text states that backland development may be acceptable, except in Areas of Special Residential Character, provided it is small scale and sensitive to the surrounding residential area.
9. I am aware that there have been a number of applications and subsequent appeal decisions for the development of the site and that the current appeal proposal attempts to overcome previous issues and concerns, including a reduction in the number of dwellings to three.
10. The appeal scheme proposes an access road between Nos 215 and 217 Kings Hall Road which continues straight and then curves away from the site boundary to provide an area of landscaping. The dwelling on Plot 1 would be orientated so that the garage is closest to the northern boundary reducing the height of the development in direct sight down the access road. Views from Kings Hall Road would be of a dwelling at the head of the access with landscaping in front and behind softening views of the dwelling and allowing greater views over and beyond the plot to the area of woodland behind. I consider this would be in keeping with the verdant character of the area with trees and vegetation on the boundaries of properties and viewed between dwellings.
11. The majority of protected trees to the western site boundary would be retained apart from those identified for removal in the Arboricultural Statement. Existing trees on the boundary with Lennard Road would be retained and supplemented with additional planting. Landscaping would be provided to the southern and eastern site boundaries. This would provide landscaped views between existing dwellings and assist to screen the development from the rear of neighbouring properties.

12. The three dwellings proposed in the appeal scheme form a reduction in number from that proposed in the previous appeals, 6 and 5 dwellings respectively¹. This reduced footprint provides greater amenity space and planting and ensures that the existing mature landscaping can be retained.
13. Existing dwellings on Kings Hall Road and Lennard Road have long narrow rear gardens of over 35 metres in length. The proposed dwellings would be sited in plots of a different shape with wider and shorter rear gardens of between 16 and 22 metres depth. The Council has argued that the proposal would have a strongly urbanising effect on the site, as the footprint of the dwellings together with the accessway would result in a larger proportion of the site being developed.
14. I have had regard to the appellant's evidence that the plot sizes of the proposed dwellings would be greater than that of existing dwellings on Kings Hall Road and Lennards Road. Any development would to an extent have the effect of urbanisation but in this case having regard to the generous plot sizes and proposed retention of landscaping and trees together with supplementary planting I consider that the proposal would not have an unacceptable urbanising effect out of character with the locality.
15. The Council have argued that the scheme results in the overdevelopment of the site. The National Planning Policy Framework states in paragraph 47 that local planning authorities should set their own approach to housing density to reflect local circumstances. The London Plan advises that new development should involve the efficient use of land and development on sustainable land would be expected to achieve densities of 35-65 dwellings per hectare. The appeal scheme proposes a density of 6.8 dwellings per hectare which I consider to be appropriate in this location reflecting the density and character of the surrounding area. I consider that the appeal proposal would not form overdevelopment.
16. The appellant has brought my attention to other backland sites that have been granted planning permission or developed in the local area. Whilst these schemes demonstrate that there are other backland developments in the locality, they are not directly comparable to the appeal scheme either in terms of number of dwellings, density, previous land use or proximity to other dwellings. Accordingly I have considered the appeal proposal on its individual merits.
17. I conclude that the appeal scheme would not result in the overdevelopment of the site and having regard to the spacious size of the plots, the footprint of the dwellings and the retention and enhancement of landscaping, that the proposal would not be out of keeping with the character and appearance of the area. The proposal would comply with Policies BE1 and H7 of the Bromley UDP 2006 which aim to achieve a high standard of design and complement the qualities of the surrounding area. These policies are generally consistent with the National Planning Policy Framework (the Framework) in particular paragraphs 17 and 58 which seeks to secure high quality design and ensure that development responds to local character.

¹ APP/G5180/A/14/2224368 and APP/G5180/W/15/3130198

Other matters

18. The Council has raised no concern with regard to the effect of the proposal on the living conditions of the occupants of neighbouring dwellings, highways matters, drainage and flood risk, ecology and sustainable design and construction. I have no reason to disagree with this assessment. The proposal contributes to the supply of housing in the area compliant with development plan policies.
19. I have had regard to the concerns of neighbouring residents with the loss of views over this attractive garden area, security, light and noise pollution and pressure for the development of adjoining land. Whilst I acknowledge that views from the rear of neighbouring properties would be changed by the proposed development, I consider that the landscaping proposed would soften the visual impact of the development ensuring that it would not be out of character with the area. I have no evidence before me that the proposal would result in security issues or light and noise pollution causing material harm to the amenity of nearby residents. Any proposals for adjoining land would be considered on their individual merits by the Council.

Conditions

20. I have had regard to the conditions suggested by the Council in light of the Framework and the Planning Practice Guidance (PPG). As the appeal proposal is in outline with matters of access and layout to be approved at this stage, it is not necessary to impose conditions regarding appearance, scale and landscaping.
21. The normal conditions governing the submission of details in pursuance of reserved matters are required as is a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interest of proper planning. Conditions regarding materials, boundary treatment, landscaping, hard surfacing, street lighting can be left to reserved matters stage. I consider that a condition regarding the height of the dwellings is necessary in order to protect the character and appearance of the surrounding area and the amenity of neighbouring residents.
22. A number of conditions are suggested with regard to the protection of existing trees and woodland and their future management which I consider are necessary to ensure their retention and maintenance. I have amended the wording and amalgamated conditions suggested by the Council to avoid repetition and in order to comply with the guidance. I consider a surface water drainage condition is appropriate to reduce the risk of flooding. I agree that conditions relating to the access road, junction arrangements, car parking and garage size are necessary in the interests of highway safety.
23. Given the residential character of the area, it is appropriate that conditions are imposed requiring a construction management plan and wheel wash facilities. It is also necessary to impose a condition regarding slab and site levels in order to protect the character of the area and the amenity of neighbouring occupants.
24. As the proposal is in outline with appearance reserved for later approval, a condition regarding obscure glazing to first floor flank windows is not necessary. Conditions regarding Lifetime Homes and Secured by Design are

also more appropriate at reserved matters stage. I find that there are no exceptional circumstances that would justify the removal of permitted development rights. Having regard to the sites use as residential garden and in the absence of any evidence to the contrary I do not consider it necessary to impose a condition regarding contamination.

Conclusion

25. I find that the appeal scheme would not cause material harm to the character and appearance of the area.
26. For the reasons given above and having regard to all other matters raised, I consider the appeal should succeed.

Helen Hockenfull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 13121/S401 Site Location Plan, Drawing No. 13121/S402 – Existing Site Survey, Drawing No. 13121/C401B - Coloured Site Layout, Drawing No. 13121/P403 – Proposed Site Block Plan Comparison of Plot Sizes, Drawing No. 13121/C402C - Proposed Sketch Elevations, Drawing No. 13121/SK403 – Coloured Site Layout with Previous Scheme.
- 5) No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the local planning authority.

The statement shall include details of:

- Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;
- Type and siting of scaffolding (if required);

- Details of the method and timing of demolition, site clearance and building works;
- Depth, extent and means of excavation of foundations and details of method of construction of new foundations;
- Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;
- Location of bonfire site (if required);
- Details of the location of underground services avoiding locating them within the protected zone;
- Details of the method to be used for the removal of existing hard surfacing within the protected zone;
- Details of the nature and installation of any new surfacing within the protected zone;
- Methods proposed for the watering of the trees during the course of the Project.

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

- 6) The applicant shall at his own expense instruct an arboricultural consultant, approved by the Council in writing to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site. Works shall not commence on site until a consultant has been appointed. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the arboricultural consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the Council or the arboricultural consultant that such works may recommence.
- 7) The design of the foundations of the proposed new dwellings must be sufficient to allow the trees within the woodland order W1 to remain in situ sustainably in close proximity to the new dwellings given the proposed development site is on London clay. The ownership and control of the trees within the woodland order W1 should be placed into a management company to reduce post development pressure on the trees from the proposed new dwellings.
- 8) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner before or during building operations, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 9) The development permitted by this outline planning permission shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the standard of the Mayor's London Plan.
- 10) The dwellings hereby permitted shall not be more than 10.0 m in height.
- 11) Details of the layout of the access road and turning area including its junction with Kings Hall Road and dimensions of visibility splays shall be submitted to and approved in writing by the local planning authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.6m in height within the approved splays except for trees selected by the authority, and which shall be permanently retained.
- 12) Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the local planning authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.
- 13) Parking bays shall measure 2.4m x 5m and there shall be a clear space of 6m in front of each space (or 7.5m if garages are provided) to allow for manoeuvring and these spaces shall be permanently retained as such thereafter.
- 14) Garages shall have minimum internal dimensions of 2.6m x 6m and there shall be a minimum clear space in front of their doors of 6m (or of 7.5m where the garages are in a compound or opposite a structure or means of enclosure) to allow for manoeuvring and these dimensions shall be permanently retained as such thereafter.
- 15) While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.
- 16) Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

- 17) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.