
Appeal Decision

Site visit made on 1 November 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 8th November 2016

Appeal Ref: APP/G5180/W/16/3155905

Land R/O 29/31 Footbury Hill Road, Orpington , Bromley BR6 0HP

- 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 Phillip Babe and Mr Ian Hudson against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00582/FULL1, dated 3 February 2016, was refused by notice dated 11 May 2016.
 - The development proposed is introduction of access road to serve two detached dwellings of two storey design with associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effects of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of nearby residents with particular regard to noise and disturbance and outlook.

Reasons

Character and appearance

4. The appeal site is an area of land which mainly comprises parts of the rear gardens of a number of dwellings with frontages to Footbury Hill Road. The dwellings on Footbury Hill Road are mainly detached and semi-detached two storey properties and bungalows of varied character and appearance.
 5. However, with the exception of No 33 Footbury Hill Road (No 33) all the properties nearby face the road and are set a similar distance back from the road behind relatively small front gardens and/or parking areas, with space between the buildings. This gives the area a relatively formal and spacious character and appearance.
 6. Although the proposed dwellings would not be readily visible from Footbury Hill Road, the space between the properties would afford glimpses of the proposed dwellings within the street scene. Furthermore, the proposed access drive and parking and turning area extending deep into the rear garden of Nos 29 and 31
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Footbury Hill Road (No 29 and 31) would also be visually prominent in the Footbury Hill Road street scene.

7. I acknowledge additional landscaping would be provided as part of the proposal and the proposed dwellings would be similar in scale and character to other properties nearby. However, the proposed dwellings would be tucked in behind Nos 29 and 31 with no road frontage and set in plots smaller than most others nearby. In my view the relatively long access drive would draw attention to a development that would be at odds with the prevailing pattern of development in the area and would erode its spacious character. It would therefore harm the areas overall formal and spacious character and appearance.
8. In reaching these conclusions I have had full regard to the positioning of No 33. However, this property is set some distance back from Footbury Hill Road and only a single dwelling within a wider residential area. Thus, I find that No 33 has a limited influence on the prevailing character and appearance of the area. In any event, the presence of development is not sufficient to justify a development which is inherently harmful.
9. I have also noted the appellant's comments with regard to whether the Council is able to demonstrate a 5 year supply of deliverable housing land in accordance with paragraph 49 of the National Planning Policy Framework (the Framework). Thus if the Council is unable to demonstrate a 5 year supply insofar as development plan policies seek to restrict the supply of new dwellings in the Borough they should be considered out of date.
10. However, saved Policies H7 and BE1 of the London Borough of Bromley Unitary Development Plan (2016) UDP do not directly seek to restrict the supply of housing and insofar as they encourage well designed housing and good design they are consistent with the aims of paragraphs 56 to 66 of the Framework. Nevertheless the benefit of two additional homes in the Borough would not outweigh the harm I have identified.
11. For these reasons the proposed development would be harmful to the character and appearance of the area and therefore in conflict with the development plan and the good design aims of the Framework. The proposal would specifically conflict with Policies H7 and BE1 of the UDP which, taken together, aim to ensure good design that new development compliments the qualities of surrounding areas.

Living conditions

12. The proposal would involve the erection of two substantial four bedroom properties. Consequently they would each have the potential to generate a significant number of vehicle movements arising from the occupiers and their visitors.
13. I acknowledge that there is a 1.8 metre high fence along the boundary with No 33 and the plans show additional landscaping would be provided between the proposed parking spaces and the appeal site boundary with No 33. I also note the appellant's suggestion that an acoustic fence could be installed to mitigate any noise impacts.
14. However, the proposed driveway would still be relatively narrow and would result in a significant number of vehicles passing by, almost directly adjacent to the side elevations of Nos 29 and 31 and along the full length of their rear

gardens. Furthermore the two parking spaces would be located adjacent to the appeal site boundary with No 33 and close to its front elevation. Thus, the proposed development would result in a significant number of vehicles entering and leaving parking spaces together with car doors opening and closing relatively close to the main front elevation of No 33. For these reasons the proposed development would result in unacceptable levels of noise and disturbance to the living conditions of the occupants of Nos 29, 31 and 33 Footbury Hill Road.

15. However, the rear gardens of the properties on Footbury Hill Road and Mountview Road are relatively long. Even though the proposed dwellings would be two storey and the land rises from the east to the west, the proposed dwellings would be some distance from the rear elevations of the properties on Footbury Hill Road and Mountview Road. The separation distance would be such that the proposed dwellings would not generate any feeling of enclosure or be overbearing when viewed from either the properties on Mountview Road or Footbury Hill Road, thus they would not be harmful to nearby residents living conditions with regard to outlook.
16. For these reasons, whilst I have found the proposed development would not harm nearby residents living conditions with regard to outlook, the proposal would be harmful to nearby residents living conditions with particular regard to noise and disturbance. Thus, it would be in conflict with the development plan, specifically Policy BE1 of the UDP, which aims to ensure new development respects the amenities of residents living nearby.

Other Matters

17. The Council's third reason for refusal refers to inadequate parking provision for Nos 29 and 31. However, following information provided as part of the appeal, the Council no longer objects in this regard, therefore I have not considered this matter any further.
18. Furthermore, on the basis of the information before me, I am satisfied that sufficient space exists to accommodate refuse storage. Moreover, in my view suitable arrangements for fire protection and refuse collection could form the subject of appropriate planning conditions. However, as I am dismissing the appeal for other reasons, I have also not considered these matters any further.

Conclusion

19. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR