
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: 14th November 2016

Appeal Ref: APP/G5180/W/16/3150392

132 Crofton Road, Orpington, Bromley BR6 8JD

- 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 Aventier Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/04581/OUT, dated 20 October 2015, was refused by notice dated 29 February 2016.
 - The development proposed is demolition of existing 4 bedroom house and the erection of 9 No 2-bedroom flats with associated parking and revised access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with detailed matters relating to appearance and landscaping reserved. I have dealt with the appeal on that basis, treating the site plans and details provided as illustrative except where they relate to access, layout and scale.

Main Issues

3. I consider that the main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of No 1 Crofton Lane with particular regard to privacy;
 - highway safety.

Reasons

Character and appearance

4. The appeal site is a detached bungalow with accommodation in its roof space set in a relatively large plot on the corner of Crofton Road and Crofton Lane. Mature planting along the boundaries together with 1.8 metre high fencing and walls restrict views of the dwelling, except for through gaps in the planting and the accesses to Crofton Lane and Crofton Road.
 5. The area is characterised by a mix of single and two storey dwellings of a variety of styles, set in relatively spacious plots and set back from the road. Mature planting in front gardens together with mature trees opposite the
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appeal site on Crofton Lane and Crofton Road give the area a verdant and spacious character and appearance.

6. The appeal site has been the subject of a number of appeal decisions for schemes which are significantly different to the appeal proposal. However, the Inspector in the most recent appeal decision¹ in 2015 noted that the previous appeal decisions found that the previous schemes resulted in excessive site coverage by buildings and hardsurfacing. The Inspector in the 2015 decision found that the amount of built form and hardsurfacing on the appeal site proposed as part of the appeal scheme would not be materially less than that proposed in the previous appeal schemes. Moreover, the Inspector in 2015 noted that the increased height and scale of the proposed building would be particularly noticeable at this prominent corner position and noted the difference in heights between the building proposed and neighbouring buildings.
7. Notwithstanding detailed matters relating to appearance and landscaping, the proposed layout shows a large parking area in the southern corner of the site and an access drive running adjacent to the appeal site boundary with Crofton Lane. I acknowledge the existing access drive and parking area. However, the proposed hardsurfacing would be in place of a significant area of domestic garden and in a prominent corner of the appeal site adjacent to a mini roundabout, Crofton Lane and Crofton Road.
8. Even though the illustrative details show the existing trees to be retained and additional planting, there is no substantive evidence to enable an assessment of the effects of the proposed development on the existing trees. Given the proximity of the hardsurfacing to trees there is a significant risk that some of the trees would be lost or their long term health put at risk. Thus, there is a significant risk that the effectiveness of the vegetation as a screen and contributor to the verdant character of the area would be reduced.
9. The proposed building would have a significantly larger footprint than the building it would replace and others nearby. It would be closer to Crofton Road than the existing dwelling and even though set down into the plot it would be significantly taller than the existing bungalow and No 1 Crofton Lane (No 1) and No 132A Crofton Road (No 132A).
10. The introduction of a significant bulk of development together with the loss of greenery on the appeal site would in my view erode the space at the entrance to Crofton Lane and would therefore be harmful to the verdant and spacious character and appearance of the area.
11. In reaching these conclusions, I note that the majority of properties in the area have parking in front of them. However, none of the properties nearby and their off-street parking areas are the same scale as the proposed building and hardstanding. I also note that an appropriate amount of communal amenity space would be provided.
12. However, for the reasons given, I find that the proposed development would be in conflict with the development plan and the good design aims of the National Planning Policy Framework (the Framework). The proposal would specifically conflict with Policies H7 and BE1 of the UDP which, taken together, aim to

¹ APP/G5180/W/15/3005701

ensure good design that new development compliments the qualities of surrounding areas.

Living conditions

13. The proposed north-west facing elevation of the apartment block would face No 1.
14. I acknowledge that the illustrative details show no windows would be installed in this elevation. However, the illustrative details show eleven roof lights. Even though there is a row of relatively tall conifers along the appeal site boundary with the narrow public footpath between the appeal site and No 1, these are maintained at no more than eight metres in height, there is no guarantee that these would remain in place, and in any in event, in my view they would not screen views to and from all of the proposed roof lights.
15. I acknowledge that the roof lights could be obscurely glazed, non-opening and/or positioned above eye level. However, such measures may result in harmful living conditions for the occupants of the proposed development with regard to outlook and I note two of the roof lights would be lower than the others and serve a living room. Therefore, based upon the information before me I am not satisfied that even with the imposition of appropriate planning conditions, the proposed development would not result in the occupants of the proposed development being able to overlook No 1.
16. Furthermore, even if the occupants could not overlook No 1, the number of roof lights would be such that they would inevitably give residents living nearby the perception of being overlooked.
17. For these reasons, I find that the proposed development would be harmful to the living conditions of the occupants of No 1 with particular regard to privacy. Thus, the proposal 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.

Highway safety

18. At the junction of Crofton Lane and Crofton Road is a mini roundabout. On my site visit at around mid-day on a weekday I observed both roads to be relatively busy with an almost continuous flow of traffic.
19. The proposed development would be accessed by a single access from Crofton Lane with the existing access from Crofton Road removed. I acknowledge that the removal of the access from Crofton Road is beneficial to highway safety and the proposed access to Crofton Lane is in the same location as the existing access.
20. However, even though the appeal site is reasonably well served by public transport, the proposed access would serve nine units of accommodation each with a dedicated parking space and thus would have the potential to generate a significant number of vehicle movements over and above those generated by the existing dwelling.
21. The swept path analysis included in the appellants Transport Assessment illustrates a wide turning curve for vehicles turning left into the appeal site and the illustrative plans show a relatively narrow point of site entry and exit.

22. On the basis of the information before me, I am not satisfied that two vehicles would be able to pass each other side by side at the point of access. Furthermore, it seems to me that vehicles turning left into the appeal site would need to use both sides of the road to undertake the manoeuvre.
23. Vehicles waiting for the access to be clear before they are able to leave Crofton Lane, or manoeuvring in front of on-coming traffic, would restrict the flow of traffic in the area, thus increasing the risk of vehicle collisions, which would be harmful to highway safety. In my view, the benefit of removing the existing access from Crofton Road would not outweigh this harm.
24. For these reasons, I conclude that the proposed development would be harmful to highway safety in the area. It is therefore contrary to the development plan and the Framework. It would specifically conflict with Policy T18 of the UDP and paragraph 32 of the Framework, which taken together, seek to ensure a safe and suitable access can be achieved to serve new development and that road safety is not adversely affected by new development.

Other Matters

25. I have considered the benefit of adding eight more homes to the supply of housing in the Borough, the occupants of which would use local services and may work locally, thus supporting the local economy. I also note that there would be economic benefits associated with construction, the appeal site is previously developed and in a sustainable location where services, facilities, open space and employment can be easily accessed without the dependence on the use of a private car. I also note that the development could be constructed without delay. However, these benefits do not outweigh the harm I have identified.

Conclusion

26. 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