
Appeal Decision

Site visit made on 7 November 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/G5180/W/16/3156778

Land adjacent to Walsingham Lodge, Woodlands Road, Bickley Park Road, Bickley, Bromley BR1 2AP

- 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 Terence Reeves (Chequers Enterprises Ltd) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/0889/FULL1, dated 22 February 2016, was refused by notice dated 19 April 2016.
 - The development proposed is erection of a building, part two part single-storey containing two two-bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's decision notice listed three reasons for refusal. However, in its appeal statement the Council indicated that it wished to withdraw the reason relating to the adequacy of the proposed development's parking. Consequently, I have not treated parking as a main issue in my assessment of the appeal.

Main Issues

3. I consider the main issues in this appeal to be firstly, the effects of the proposed development on the character and appearance of the area; and secondly, its effects on the living conditions of the occupiers of Walsingham Lodge and Halcyon Heights in terms of outlook.

Reasons

Character and appearance

4. Situated on Bickley Park Road, close to the railway bridge and Chislehurst Station the appeal site is bounded to one side by the station car-park and to the other by a two-storey dwelling Walsingham Lodge. To its rear the appeal site is bounded by the modest grounds of the three-storey residential apartment building known as Halcyon Heights. The appeal site is currently vacant and, due to the incline of the land is at a higher level to that of the adjacent Walsingham Lodge.
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5. The proposed development would introduce a predominantly flat-roofed residential building on the site which would comprise a mix of one and two storeys. Located behind a boundary wall of between around 1m and 2m in height due to the slope of Bickley Park Road, the two-storey element would be provided to the front of the site with a balcony feature at first floor level addressing the road. This two-storey element would be located around 1m from the boundary with Walsingham Lodge, and behind a garden to a depth of around 3m from Bickley Park Road. To the rear of this would be a one-storey element hard to the side and rear boundaries of the site for the most part but with a courtyard in the corner adjacent to the station car park. Enclosures for refuse bins and bicycles would be located adjacent to the boundary with Walsingham Lodge in the gap between it and the proposed two-storey element.
6. The site benefits from an extant planning permission¹ (the approved scheme) for a building with a mix of one and two storeys, which would incorporate a café and one dwelling. Unlike the proposed development the foremost part of the approved scheme would be single-storey. The two-storey element of the approved scheme would be located much deeper from Bickley Park Road than the proposed development, and more space would be achieved between the approved two-storey element and the boundary with Walsingham Lodge. However, the two-storey element in that previously approved scheme would have a much closer relationship to the boundary of the train station car-park. Whilst I note the overall footprint of the proposed development is a slight reduction to that mooted by the approved scheme, the footprint of the appeal scheme's two-storey element is larger. Thus whilst I give that approved scheme considerable weight in the overall planning balance there are clear material differences between it and the current proposal.
7. To Bickley Park Road, the siting of the two-storey element would be considerably proud of the flank building line of Walsingham Lodge and would thus impart a dominant and imposing character to the proposed development. Unlike the approved scheme, the prominence of the two storey element would read as a discordant contrast to the generally deeper set-backs and more verdant streetscene along Bickley Park Road.
8. Whilst I note that the two-storey element of the proposed development would meet the technical requirement of a 1m separation distance to the boundary with Walsingham Lodge as required by Policy H9 of the Bromley Unitary Development Plan (adopted July 2006) (the UDP), it would nevertheless be in a much tighter relationship with that property than the approved scheme. The siting of the two-storey element would also bring it into a much closer visual relationship with Halcyon Heights to the rear. Taken together with the excessive site coverage of the two-storey element, its siting would impart a character of cramped congestion to the plot and its immediate surroundings. Proposals for bin and cycle storage, in the narrow space between the proposed two-storey element and the boundary of Walsingham Lodge would further exacerbate this tightly packed density to the detriment of the character and appearance of the streetscene.
9. In these regards the proposed development would cause more materially harmful effects to the character and appearance of the streetscene than the approved development, which due to the siting and area of the two-storey

¹ APP/G5180/W/16/3145509

element would not have the same level of cramped congestion or dominance within the streetscene. The proposed development's harmful effects in this regard would not be softened, to any material degree, by the tree-lined nature of the site's setting, or the robust boundary treatments of the site, or proposals to use sympathetic materials. I note that the appeal site is screened from a number of viewpoints, however, it would be clearly visible from Bickley Park Road. Due to the more generous plot ratios and generally deeper setbacks achieved, the presence of larger properties on Woodlands Road does not establish a precedent for a larger scale of development at the appeal site.

10. Whilst I concur with the findings of the previous Inspector that development of the site would be beneficial and that the characteristics of the site and its environs are different to those of the wider area of special character, these matters do not outweigh the harm I have found that the proposed development would cause to the character and appearance of its surroundings.
11. I concur with the previous Inspector that, as the site is seen in isolation from the wider Area of Special Residential Character that Policy H10 is not engaged in this instance. However, due to its dominant siting, and the cramped character of the proposed development, the appeal scheme would cause considerable harm to the character and appearance of its surroundings and would conflict with Policies BE1, and H7 of the UDP; Policy 3.5 of *The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011* (adopted March 2016); and the National Planning Policy Framework. Taken together, and amongst other things, these policies seek to ensure that new development responds to local character, context and the wider environment, and complements the scale, form and layout of adjacent buildings.

Living Conditions

12. The rear wall of Walsingham Lodge adjacent to the appeal site includes windows at ground and first floor. The outlook available from the ground floor of Walsingham Lodge is of a brick boundary wall of around 2m in height in close proximity. Due to this arrangement I consider that the proposed development would cause no material interference with the outlook available from the rear ground floor of Walsingham Lodge. Whilst the two-storey element of the proposed development would undoubtedly be visible from the window at first floor, it would be at a more oblique angle than that of the two-storey element in the approved scheme. In the previous decision, the Inspector considered the relationship between the approved two-storey element and the first floor window would cause no materially harmful effects in relation to outlook. If anything, the proposed siting of the two-storey element further to the front of the plot would improve the relationship between Walsingham Lodge's first floor window and the two-storey element, and as a consequence, I find that the outlook available to Walsingham Lodge's occupants from that window would not be interfered with to a degree that would cause material harm to their living conditions.
13. The rear and side windows of Halcyon Heights would only afford oblique views of the proposed development. Moreover, the separation distance achieved between the two-storey element of the proposal and the adjacent windows of Halcyon Heights would be considerable. Thus, the proposed development would not be an enclosing or obtrusive feature that would materially reduce the

outlook available to the occupants of Halcyon Heights from that building's rear and side windows. Moreover as the rear garden of Halcyon Heights is screened by tall fencing along its boundary with the appeal site, I consider that the proposed development would not result in any materially harmful effects to the privacy or outlook of its occupiers in this regard.

14. Accordingly, as I have found no materially harmful effects would be caused by the development to the living conditions of the occupiers of adjacent dwellings, I can discern no conflict with Policy BE1 of the UDP insofar as it seeks to ensure that developments respect the amenity of occupants of neighbouring buildings.

Conclusion

15. I have found that the proposal would cause no material harm to the living conditions of the occupants of adjacent dwellings. In the overall planning balance, however, this lack of material harm would be outweighed by the considerable harm that the proposed development would cause to the character and appearance of its surroundings.
16. In this latter regard the proposed development would conflict with the relevant policies of the development plan insofar as they have been brought to my attention. No material considerations would outweigh this conflict, and accordingly, I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR