

Appeal Decision

Site visit made on 22 November 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/G5180/W/16/3156317

Land to the Rear of Nos 5 and 7 Drayton Avenue, Orpington BR6 8JN

- 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 Mr Matthew Oliver, South East Living Group against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02262/OUT, dated 10 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is the erection of a 3 bedroom chalet bungalow with a new access from Morley Close.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a 3 bedroom chalet bungalow with a new access from Morley Close at Land to the Rear of Nos 5 and 7 Drayton Avenue, Orpington BR6 8JN in accordance with the application Ref DC/16/02262/OUT, dated 10 May 2016 and subject to the conditions in the schedule below.

Preliminary Matters

2. The application is in outline with details of appearance, landscaping and scale reserved for later consideration.
3. For clarification I have altered the address of the appeal site to that given within the description of the proposal on the application form.
4. Although the proposed dwelling would be sited on land to the rear of Nos 5 and 7 Drayton Avenue, it would front onto and be accessed from the adjacent cul de sac, Morley Close.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is within a suburban residential location, characterised by a mixture of two storey dwellings and bungalows in spacious plots. The dwellings typically, but not exclusively, incorporate different types of gable fronted features.
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7. Morley Close has a broadly symmetrical layout, featuring five two-storey dwellings arranged around the head of the cul de sac, with side fencing along either side of the short access road. However, the recessed cul de sac location means that the arrangement of the existing dwellings there is not a prominent or outstanding visual attribute of the street scene.
8. The front of the proposed dwelling would be significantly set back from the highway so that its forward building line and the spacious front of the property would be in keeping with the neighbouring dwelling at No 5 Morley Close. In addition the separation between the two dwellings would be consistent with the spacing between buildings elsewhere around the cul de sac. The proposal would not therefore appear cramped or give rise to a sense of over-development within its plot. Furthermore, though no firm details of appearance and scale are proposed at this stage, as a chalet bungalow, the new dwelling would represent a transition between the two storey dwellings on Morley Close and the traditional donor bungalows on Drayton Avenue.
9. The recessed front elevation of the dwelling would replace part of the existing monotonous linear edge of the side boundary fence. In so doing it would serve to introduce relief and visual interest to the street scene.
10. The spacious nature of rear garden land is not a strongly discernible characteristic within the estate. Therefore, whilst the proposal would naturally lead to a reduction in the scale of the donor plots, albeit that they would each retain generous amounts of rear garden space, this would not in itself be harmful to character and appearance.
11. It is undisputed that the density of the proposed development would be lower than that generally advocated for suburban areas as set out in Policy H7 of the London Borough of Bromley Unitary Development Plan 2006 (UDP). However the explanatory text for this policy states that the development of land surrounded by existing properties, often using back gardens may be acceptable provided it is small-scale and sensitive to the surrounding residential area. It acknowledges that lower residential densities will usually be required in these cases. Overall I consider that the proposal would respect the development density in the surrounding area.
12. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.
13. I therefore conclude that the proposal would be in keeping with the pattern of development in the locality and would not result in harm to the character and appearance of the area. It would therefore be in accordance with Policy 7.4 of the London Plan 2015, Saved Policies BE1 and H7 of the UDP and the Council's Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance which seek to promote good design, respect for the character of the locality and compatibility with existing form and layout.

Other Matters

14. Several objections have been raised against the proposed development. With regard to highway and pedestrian safety, vehicular access to the site would be

from Morley Close which is narrow in form. However, because of the very few dwellings sited there, traffic movements within the street would generally be very light. Furthermore, siting the vehicle crossover point away from the relocated rear boundary fence to No 5 Drayton Avenue, as shown on the site layout drawing combined with the broadly straight orientation of the street means that drivers would benefit from a good standard of visibility when manoeuvring.

15. The development would allow for off-street parking provision and its effect on any emergency vehicles seeking to gain access along the street would be negligible. I also note that the Council has not objected to this aspect of the scheme and I conclude that the development would not result in increased risk to highway and pedestrian safety. In terms of access arrangements for construction related vehicles, this could be controlled through a construction management plan so as to minimise any temporary disruption.
16. I have not been provided with evidence to substantiate concerns expressed regarding the drainage of the site. In addition I note that neither Thames Water nor the Council have raised concerns in this regard.
17. Whilst it would be necessary to remove some trees in order to facilitate the proposal, it was apparent from my visit that the specimens in question are not of significant visual value in the street scene. By comparison, it is proposed to retain some substantial trees at the rear of the site. The proposal would remove some green space, however there is no evidence before me that this would result in a significant impact on wildlife.
18. The orientation and separation of the dwelling in relation to surrounding properties, together with the presence of mature boundary planting would be sufficient to ensure that it would not result in mutual overlooking or loss of privacy. The height of the dwelling can be controlled by the Council through the requirement for details to be agreed of its scale and appearance. It would not therefore be expected to result in harm to outlook from the rear the donor properties on Drayton Avenue.
19. Concerns have also been expressed with regard to loss of view that may be experienced. I am, however, unable to attach any significant weight to this matter as it is not the purpose of the planning system to arbitrate over competing private interests.

Conditions

20. I have considered the conditions suggested by the Council. I have set out requirements for reserved matters in accordance with the requirements of the Act. Conditions specifying the plans and requiring details of the external materials including windows are needed to safeguard the character and appearance of the area. Conditions controlling slab levels and means of enclosure are required to protect the character and appearance of the area and the living conditions of residents. A condition to secure the retention of the open plan frontage of the dwelling, which would not apply to the relocation of rear boundary fencing in connection with the donor properties, is required to protect the character and appearance of the area.
21. Conditions requiring the submission of a construction method statement and the provision and retention of vehicle parking space are required in the

interests of road safety and the living conditions of residents. A requirement for turning space within the plot would be unnecessary as it would be possible for vehicles to reverse onto the cul de sac. A condition requiring drainage details is required to ensure the satisfactory drainage of the site.

22. I have amalgamated and made some minor alterations to the wording of some of the suggested conditions for clarification, to avoid duplication and to ensure they meet the tests for conditions as specified in national planning guidance.
23. Conditions regarding reserved matters, materials, slab levels, parking provision, the construction method statement and drainage are specified as pre-commencement conditions as they are considered fundamental to the development permitted.

Conclusion

24. For the above reasons and having regard to all other matters raised, including that the site would not be regarded as previously developed land, I conclude that the appeal should be allowed.

Roy Merrett

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 to which the permission relates shall be carried out in accordance with the following approved plans and specifications insofar as they relate to details of access and layout: 915:1060/PL200; 915:1060/PL201; 915:1060/PL202.
- 5) No development shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of the windows (including rooflights and dormers where they are proposed) including their materials, method of opening, sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimensions of any recess) have been submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.

- 7) The development hereby permitted shall not be occupied before the means of enclosure to the site have been constructed in accordance with details that shall have been previously submitted to and agreed in writing by the Local Planning Authority. The approved means of enclosure shall thereafter be retained.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse forward of the elevation of that dwellinghouse which fronts onto Morley Close.
- 9) No development shall commence until details of finished slab levels in relation to ground level have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) No development shall commence until details of parking spaces serving the dwelling have been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be completed in accordance with the approved details and thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), shall be kept available for such use.
- 11) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for the routes of construction vehicles; loading and unloading of plant and materials including delivery hours; construction working hours and wheel washing facilities. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 12) The dwelling hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Before any details are submitted to the Local Planning Authority, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.