
Appeal Decision

Site visit made on 29 November 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 30th December 2016

Appeal Ref: APP/G5180/W/16/3158964

76-80 Crescent Drive, Petts Wood, Orpington BR5 1BD

- 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 Willis against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02648/FULL1, dated 31 May 2016, was refused by notice dated 22 July 2016.
 - The development proposed is erection of detached bungalow with associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is comprised of an amalgamation of parts of the rear gardens of numbers 76, 78 and 80 Crescent Drive. The dwelling at number 80 Crescent Drive (No 80) has been significantly enlarged at the side and rear on both floors. Trees to the rear of numbers 76 and 78 Crescent Drive are protected by a Tree Preservation Order.
4. Properties along Crescent Road are two storey semi-detached properties set back from the road with modest enclosed front gardens and long rear gardens with mature landscaping. The rear gardens of Crescent Road and Nightingdale Road back onto each other along Shepperton Road and contribute to the spacious, open and verdant character of the area.
5. It is proposed to introduce a single storey dwelling into the rear gardens of numbers 76-80 Crescent Drive with frontage onto Shepperton Road. A previous appeal decision¹ relating to a proposal for a two storey dwelling on the appeal site was dismissed on 7 January 2015. The Inspector considered that *'due to its location, height and scale the dwelling would have prominence within the street scene and when viewed from the adjoining properties on Nightingdale Road and Crescent Drive. It would be particularly harmful to the character and appearance which is derived from the views of trees between Crescent Drive and Nightingdale Road when viewed from Shepperton Road.'*

¹ Appeal reference: APP/G5180/A/14/2227765

The dwelling would also detract from the spacious open character and appearance of the area’.

6. Whilst the current proposal is for a single storey dwelling the roof is, nevertheless, the same height as the previous scheme albeit without the dormer windows. Although the appeal site now includes land to the rear of no 76 the depth of the building has increased resulting in a building of slightly greater scale, footprint, mass and bulk than the previous scheme. The proposal would still result in the loss of views through to the rear gardens and trees of Crescent Drive and Nightingale Road when viewed from Shepperton Road with a consequential loss of openness.
7. Recent extensions to No 80 have extended the footprint of the property up to the boundary with Shepperton Road and the proposed development would alter the frontage further. The frontage of the proposed dwelling is set further back from the road which would enable greater opportunities for landscaping to soften the impact of the proposal to a degree. However, this would not sufficiently reduce the prominence of the proposal in the street scene or compensate for the loss of openness. The current appeal proposal has not, therefore, altered sufficiently to reach a different conclusion to my colleague.
8. I, therefore, consider that the proposal would introduce a prominent and incongruous feature within the street scene. Furthermore, the proposal would reduce views through to the spacious rear gardens and mature landscaping of surrounding properties. Taking these factors in combination, the proposal would be at odds with the spacious and open character of the area.
9. Attention is drawn to No 71 Shepperton Road, an infill development which is situated on the opposite side of the road. However, this bungalow is smaller than the appeal proposal by virtue of the lower height and limited depth. Consequently, the proposed dwelling would have a greater prominence in the street scene of Shepperton Road than No 71. Furthermore, I notice that permission was granted some time ago for No 71 within a different planning policy context which limits the weight which I can attach to it in my Decision. Whilst the area may have other examples of dwellings accommodated within return frontages these are generally small bungalows which are of a scale which does not compromise the spacious character of the area.
10. For the reasons stated I conclude that the proposal would harm the character and appearance of the area and would, therefore, be contrary to Policies BE1 and H7 of the UDP which seek to ensure that development should not detract from the existing street scene and that the site layout, buildings and spaces about new housing should recognise as well as complement the qualities of surrounding areas.
11. The appellant considers that Policies BE1 and H7 of the Council’s Unitary Development Plan are out of date as the Council cannot demonstrate a five year supply of housing land. Whilst there is no evidence before me relating to housing land supply the Council has not challenged this assertion. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing sites.

12. Policy BE1 relates to the design of new development and is not, therefore, a policy for the supply of housing. It is not, therefore, automatically out of date by virtue of paragraph 49 of the Framework. I can see no conflict of the policy with the Framework and consequently significant weight can be attached to it in my Decision.
13. There is very limited evidence before me as to whether Policy H7 relating to housing density and design is a policy for the supply of housing in the context of paragraph 49 of the Framework. However, I have identified that there would be significant harm to the character and appearance of the area arising from the proposal which would be contrary to paragraph 56 of the Framework which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The proposal would not, therefore, constitute sustainable development as required by paragraph 14 of the Framework. The adverse impact of the proposal would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Other Matters

14. The trees to the rear of nos 76 and 78 Crescent Drive are protected by a Tree Preservation Order. An Arboricultural Statement was submitted with the application which addresses the impact on the protected trees. The size of the garden has increased which would enable future occupiers to enjoy the garden space due to the greater distance with the Oak Tree. The trees adjacent to the western boundary of the site could be incorporated into the scheme subject to appropriate measures during the construction phase. This matter could have been addressed by way of conditions had I decided to allow the appeal.

Conclusions

15. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector