

Appeal Decision

Site visit made on 5 December 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 9th January 2017

Appeal Ref: APP/G5180/W/16/3158844

21 Hilldown Road, Hayes, Bromley BR2 7HX

- 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 D Ashford against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00468/FULL1, dated 1 February 2016, was refused by notice dated 22 April 2016.
 - The development proposed is construction of a new detached two bedroom dwelling with associated car and cycle parking spaces, refuse storage and amenity area on land to the rear of 19 and 21 Hilldown Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the new plot and dwelling on the character and appearance of the area;
 - Whether the principle of development in this location is acceptable, having regard to the advice contained in the National Planning Policy Framework (the Framework) and the development plan policies; and,
 - Whether sufficient provision is made for off road car parking for the donor property.

Reasons

Character and appearance

3. The appeal site is located within an area of predominantly two-storey semi-detached and detached properties, located in good sized plots with long rear gardens. It is within the central block of dwellings, which is a slightly irregular rectangle in shape, created by the configuration of Hilldown Road and Courtlands Avenue. Within this block plot sizes are largely uniform in length and width. Where the long rear gardens of the properties on the north west and south east sides of this block adjoin the properties fronting the other two sides, a sense of openness and verdant vistas across rear gardens is created.
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4. The plots lining the outer sides of these roads are similarly sized, though as these dwellings fill much of the width of these plots they do not deliver the same sense of spaciousness. The dwellings themselves appear to date from a similar period, and are generally of comparable proportions, though they exhibit a variety of roof styles and materials.
5. The appeal proposal relates to two existing properties, No 19 and 21 Hilldown Road, which are located adjacent to the western corner of the central block. It would involve the creation of a new plot in the rear garden area of the properties, where they adjoin the existing property at No 30 Courtlands Avenue. This would involve the removal of the garage serving No 21 Hilldown Road and the evergreen trees which are currently within this area. The new dwelling would be two storey and chalet-style with a half-hip roof design and front gable projection. It would have a maximum ridge height of around 6.6m and would be sited a little over 1m from the side boundary with No 30 Courtlands Avenue.
6. This proposal would involve the removal of part of the existing high timber fence which currently forms the side boundary of No 21 Hilldown Road. In its place a low level wall and double vehicle gates would define the front boundary of the new property, with the new plot exiting directly onto Courtlands Avenue. It would have off-road parking to the front and a small garden area with cycle store to the rear.
7. I accept that the proposed dwelling has been designed to reflect the appearance and materials of the existing dwellings in this area, and that the proposed gates would not themselves be unduly intrusive. The appellant also states that as it would sit at a lower level than its neighbours this dwelling would not be a dominant feature in the street scene. It is clear that both the new dwelling and its associated plot would be at a noticeably smaller scale than those which dominate the surrounding area. However, in this respect the proposal would be a discordant element within an area of substantial consistency of form and layout, disrupting the established pattern of plots and dwellings.
8. Furthermore, the introduction of a dwelling into what is presently garden area with a modest garage would detract from the spatial standards present in this area, reducing the degree of openness within this part of the street scene. Whilst I accept that sufficient space has been provided between the dwelling and its plot boundaries, this does not address the wider concern relating to the diminution of the presently open nature of these garden areas. In this respect the proposal would not be sensitive to the spatial character of the area.
9. I accept that design matters can be subjective, and that a proposal is not necessarily unacceptable because it is different from its surrounds, however, this depends very much on the local context and the presence of local character. In the present case, when considered within the parameters set by the established form and layout of this area, the degree of inconsistency resulting from this proposal would be unacceptable.
10. The proposed new plot and dwelling would therefore have a detrimental effect on the character and appearance of this area. Of those policies quoted by the Council, it would conflict specifically with the Bromley Unitary Development Plan 2006 (the UDP) which at saved Policies BE1 and H7 requires development

to complement the qualities of surrounding buildings and areas, and not detract from the local street scene.

Principle of development in this location

11. This proposal would involve development on what is presently garden space. Whilst the appellant notes that the Framework does not preclude the development of garden land *per se*, paragraph 53 states that inappropriate development in such areas should be avoided where this would cause harm to local character. This principle is also supported by Policy 3.5 of The London Plan 2016, and paragraph 4.32 of the explanatory text to the UDP saved Policy H7. Whilst I accept that this proposal would use an existing point of access, it has been demonstrated above that the loss of this garden land would be detrimental to local character and in this respect would be unacceptable.
12. The appellant refers to No 2 Hilldown Road, a bungalow located adjacent to the Church, suggesting that this is an example of 'infill' development which therefore sets a precedent for the appeal proposal. I accept that this single storey dwelling does appear as an unusual feature in this area. However, the fact that it is located next to the large church building at the entrance to Hilldown Road means that it is not unduly disruptive to the over-riding pattern of built form which appears centrally within this area. Furthermore, the plot in which this dwelling is located appears to be of similar proportions to those adjacent, and in this respect there is no evidence of any diminution of spatial standards resulting from a dwelling in this location.
13. On this matter I conclude that the principle of development in this location is unacceptable, having regard to the advice contained in the Framework and the UDP saved Policy H7.

Parking

14. I noted on my site visit during the middle of the day that whilst most dwellings in this area have private driveways providing for at least one vehicle, some on-street car parking was apparent. Whilst No 19 Hilldown Road does have a private driveway, No 21 does not at present. As this is a busy residential area the proposed loss of the existing garage to No 21, presently the only area of off road parking for this property, must be considered. In this respect the UDP saved Policy T3 indicates that the provision of 2 spaces for detached and linked properties is regarded as a maximum which should not be exceeded.
15. The appellant provides evidence that subsequent to the Council's decision in this case, a Certificate of Lawfulness for the creation of a hard surface and formal means of access to the frontage of No 21 Hilldown Road was granted¹. I note the Council's point that this provision has not yet been made, though my view is that if planning permission were to be granted then it would be reasonable to include a pre-commencement condition to cover this matter.
16. The Council indicates that this area is located within a PTAL² rate of 2, which is considered low on a scale of 1-6 where 6 is the most accessible. Nevertheless it appears to me that the provision of off road parking to the front of No 21 would effectively replace the existing off-road provision and therefore address the third reason for refusal in this case.

¹ Ref: 16/02732/PLUD

² Public Transport Accessibility Level

17. Sufficient provision is made for off road car parking for the donor property to accord with saved Policy T3 of the UDP.

Other Matters

18. In relation to housing supply, the appellant makes reference to the London Plan Inspectors comments that provisions in the existing plan are not sufficient to deliver objectively assessed housing need across London. Reference is also made to a recent appeal decision³ in the Borough in which the Inspector found that the Council cannot demonstrate a 5 year supply of housing land. Whilst the Council does not dispute this point, neither party makes reference to the extent of this under-supply. The appellant states that the weight that should be attached to this point should be moderate and I have no reason to take a different view.

Conclusion

19. I have found in this case that this proposal would be detrimental to local character, and also that the principle of development in this location would be unacceptable. On the other hand I have also found that the provision of off-road parking would be satisfactory, and I have accepted that the lack of five year housing land supply in this area should be given moderate weight in this case. However, my view is that the modest contribution made by one new unit of open market housing would be significantly and demonstrably outweighed by the harm identified when considered in relation to the development plan and the Framework taken as a whole.

20. For these reasons the appeal is dismissed.

AJ Mageean

INSPECTOR

³APP/G5180/W/16/3144248