
Appeal Decision

Site visit made on 4 January 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

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

Decision date: 16 January 2017

Appeal Ref: APP/G5180/W/16/3155646

94 Towncourt Lane, Petts Wood, Orpington BR5 1EJ

- 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 Land Bank Ltd C/O Agent against the decision of The Council of the London Borough of Bromley.
 - The application Ref 16/01688/OUT, dated 6 April 2016, was refused by notice dated 2 June 2016.
 - The development proposed is the demolition of existing dwelling and erection of detached three storey building with part basement accommodation comprising 2 x 2 bed and 6 x 3 bed dwellings and associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal seeks outline planning permission for the demolition of existing dwelling and erection of a detached three storey building with part basement accommodation comprising 2 x 2 bed and 6 x 3 bed dwellings and associated parking. Approval is sought for access, layout and scale. Appearance and landscaping are reserved for later determination. I have dealt with the appeal on this basis, treating the detailed appearance in the proposed elevations as illustrative only.

Main Issues

3. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the area;
 - (ii) the effect of the proposal on the living conditions of neighbouring and future occupiers in terms of privacy, outlook and levels of daylight and sunlight; and
 - (iii) the effect of the proposal on highway safety.

Reasons

Character and appearance of the area

4. The appeal site is located on the eastern side of Towncourt Lane almost directly opposite the junction with Shepperton Road. The site comprises a triangular-shaped plot and is occupied by a single detached two-storey house
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located at an oblique angle in relation to the highway. The site narrows significantly adjacent to its Towncourt Lane frontage where it measures about 4.6m in width: it is significantly wider at the rear where it measures about 65m adjacent to the railway line.

5. The appeal site incorporates one of the largest plots in the vicinity. It lies in a well-established, residential area which has a verdant and suburban character with detached and semi-detached houses and bungalows set in generous-sized plots. The area is dominated by two-storey and single storey buildings of traditional appearance with hipped, pitched roofs. By contrast the appeal proposal would introduce an individual building of much greater scale, massing and footprint than the buildings on either side and a three storey flatted development.
6. In contrast to the neighbouring development either side, the proposed building footprint would be substantially larger at about 185 sq m in comparison to the existing house which measures about 80 sq m. The total coverage of buildings and hard surfaces would encompass an overall area of almost 40% of the site which, in the vicinity of the site, I consider would be disproportionate. The overall building height would also be notably taller than the surrounding two-storey houses and bungalows whereas the existing house incorporates a ridge height of about 8.3m, the proposed building would measure some 9.2m at ridge level.
7. Furthermore, in order to achieve height parity with the neighbouring developments, the ground level of the proposed building would be lowered by about 1m. In my view, this lowering of the ground level would appear contrived, awkward and rather alien within the street scene, taking account of the fact that ground levels of surrounding properties are consistent with that of their frontage. The lower level of windows on the front elevation of the proposed building compared to the houses on either side would further emphasise the contrived nature of the design. The change in level of the proposed building would not mitigate the notable disparity in massing between the proposed building and the neighbouring houses.
8. I appreciate that the appeal proposal incorporates various changes in relation to the schemes dismissed recently on appeal¹ including an alteration in the roof form and a lowering of the eaves by 0.7m. However, in my view, the appeal proposal remains fundamentally at odds with the prevailing local character by introducing a much larger scale building into the street scene. The changes made in the current appeal proposal do not adequately address the concerns raised in the previous appeals.
9. The introduction of a three-storey flatted development with part basement accommodation would be significantly at odds with the prevailing character of the area. In particular, the footprint, the site coverage and massing of the proposed building, together with the large area of hard standing would be materially out of keeping with that of neighbouring residential development with the proposed structure appearing hemmed in and cramped within the plot and visually intrusive. The appeal scheme would not have sufficient regard to the prevailing pattern of development in the locality, and the distinctiveness of the suburban residential area afforded by the consistent rhythm and uniformity of the style of housing surrounding the site.

¹ APP/G5180/W/16/3144996 & APP/G5180/W/16/3145004

10. The proposal would therefore cause significant harm to the character and appearance of the area in conflict with Policies BE1 and H7 of the Bromley Unitary Development Plan 2006 (UDP). These require new development to complement the scale, form and layout of adjacent buildings, not detract from the existing street scene and complement the qualities of the surrounding area. It would also be contrary to Policy 3.5 of the London Plan which indicates, amongst other matters, that

"The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationship with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people"

Taking all of the above factors into account I conclude on the first issue that the appeal must fail.

Living conditions of neighbours and future occupiers

11. Concerns have been raised regarding overlooking of the immediate neighbouring properties particularly in relation to the occupiers at 92 Towncourt Lane. However, given that the flank walls of the northern and southern elevations do not have any windows there would be no loss of amenity to the occupiers of 92 or 96 in terms of overlooking. However, the height, bulk and mass of the proposed building would appear overbearing from neighbouring properties either side. The over-dominant impact of the proposal on the living conditions of the occupiers of these properties would be unacceptable and therefore contrary to Policy BE1 of the UDP.
12. Two of the proposed flats would be contained within the basement. They would be enclosed on three sides and only receive daylight on one side – the eastern side. Three sets of French doors would provide light. Being of an easterly aspect, these doors would receive light in the early part of the day and then be in shade. The tree cover in that direction would also contribute to a gloomy outlook. In my view the rear of these flats would suffer from a lack of natural daylight. The Appellant has submitted a Shadow Study. This clearly shows that in winter when the sun is low in the sky, 96 and 98 Towncourt Lane would be overshadowed and there would be some loss of light to these properties. In coming to this view I have had regard to the guidance provided in the Average Daylight Factor calculations submitted by the Appellant.
13. The proposed basement flats would be single aspect and would not provide an adequate standard of accommodation for future occupiers by reason of their poor outlook and inadequate levels of sunlight/daylight. This would be contrary to Policies BE1 of the UDP and Policy 3.5 of the London Plan. In this context, it is noteworthy that Standard 29 of the Housing Supplementary Planning Guidance (SPG) March 2016 indicates, amongst other matters that developments should minimise the number of single aspect dwellings. Furthermore, Standard 32 of the SPG requires that all homes should provide direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.
14. Overall I consider that the proposed basement flats by reason of their poor outlook, and levels of daylight/sunlight would provide an inadequate standard of accommodation which would be detrimental to the amenities enjoyed by future occupiers. Furthermore, the height, bulk and mass of the proposed

building would appear overbearing when viewed from neighbouring properties either side. On the second issue I conclude that the appeal must fail.

Highway safety

15. Towncourt Lane is a classified road and defined as a Local Distributor Road in the UDP. At my site visit I saw that the appeal site is located at a sensitive position on this busy Local Distributor almost directly opposite the junction with Shepperton Road. I also saw that there was pressure for on-street parking spaces in the vicinity. The appeal proposal is likely to generate a much greater number of vehicle trips than those associated with the existing dwelling. Although one parking space is proposed, in line with local parking standards and no visitor spaces are proposed or required, and given the sensitive location of the site, I consider that pressures on parking could lead to an over spillage of parking onto Towncourt Lane resulting in congestion and highway safety problems at the junction.
16. The Council is concerned that the existing access to 94 Towncourt Lane is too narrow to accommodate the two-way traffic of the proposed development and that vehicles would therefore end up waiting on Towncourt Lane, interfering with the free flow of traffic and general conditions of highway safety. I note that a road safety audit has been provided with the appeal proposal but it has not addressed this point about narrow access. The proposed access does not adequately demonstrate that cars and emergency vehicles using the narrow access into the site could successfully enter and exit the site and manoeuvre in a forward direction through the site without conflict to the highway network. Furthermore, I note that the access to the rear parking spaces is narrow with an additional parking space located alongside the northern elevation. In summary, the proposal does not provide sufficient information to overcome highway safety concerns and thereby would be contrary to Policies BE1, H7, T3, T13 and T18 of the UDP and Policies 3.5 and 7.4 of the London Plan. On the third issue I conclude that the appeal must fail.

Conclusion

17. I have taken into account all other matters raised, including the provision of additional much needed housing units. I have also taken into account the Transport Statement, the Planning Design and Access Statement and the Aboricultural Survey and Planning Integration Report. I note the comments from local residents as well as those from the Petts Wood & District Residents' Association and the concerns about the size of proposed units, amenity space, the loss of wildlife and the additional pressures that would be placed on local services such as doctors' surgeries and schools. I am also aware of the planning history of the site as set out in the submissions. However, overall I conclude that the proposal would have an unacceptable impact on the character and appearance of the area, cause significant harm to the living conditions of nearby/future occupiers and would have adverse highway safety implications. The proposal is in overall conflict with the development plan and cannot be considered to be sustainable development. My overall conclusion is that the appeal should be dismissed.

Harold Stephens

INSPECTOR