

Appeal Decision

Site visit made on 4 January 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 30 January 2017

Appeal Ref: APP/G5180/W/16/3156562

204 Pickhurst Lane, West Wickham, Bromley BR4 0HL

- 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 Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01106/OUT, dated 6 March 2016, was refused by notice dated 15 June 2016.
 - The development proposed is the demolition of existing three-bedroom house and the erection of a single block containing 2 No 4-bedroom houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline including consideration of access, layout and scale, leaving appearance and landscaping reserved. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being indicative.

Main Issues

3. The main issues raised by this appeal are the effect the proposed development would have on the character and appearance of the area and on the living conditions of occupiers of neighbouring dwellings.

Reasons

Character and appearance

4. The existing dwelling is a detached house flanked by walls which on the one side link to a single storey garage and the other a small enclosed yard with an outbuilding. This arrangement has the effect of leaving a significant gap above ground floor level between the house and its neighbours, particularly 206 Pickhurst Lane which also has a single storey garage element adjacent to the boundary.
 5. This spacious character and appearance is consistent with that which predominates in the vicinity. The two storey detached and semi-detached houses which characterise this part of Pickhurst Lane are commonly separated from one another by gaps, including those above single storey side elements.
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6. Although not occupying the full width of the site, the scale of the proposed development would narrow the space which currently exists between the existing building and adjoining houses at first floor level and above. The proposal would be of a substantial scale with three storeys at the front and four at the rear. It would continue a considerably more extensive depth into the plot than the existing house does. This increased depth would be apparent in the streetscene given the configuration of the existing houses on either side.
7. This substantial scale and bulk would be in contrast to the prevailing scale of, and relationship between, two storey houses in the vicinity. The proposed lowering of levels would enable the building's ridge line to reflect that of the existing dwelling. However this would also increase its apparent height compared to its neighbours and make its three storey scale conspicuous at the front and sides, particularly when viewed in the context of the markedly lower 202 Pickhurst Lane. The appellant mentions that some properties in the area have roof extensions which provide a third storey, however from my observations these do not appear as a common feature of properties in the site's vicinity.
8. The result would be a development which would be out of scale with its established built context and which would harmfully contrast with the prevailing scale, character and appearance of the area rendering the building dominant and incongruous in the streetscene.
9. The separation distances of the proposed houses from the site's boundaries would be 3.25m and 3.3m (according to the appellant's figures) which is greater than the 1m minimum criterion (i) of saved UDP¹ Policy H9 requires for proposals two or more storeys high. However, criterion (ii) of this Policy expects more generous side space where higher standards of separation already exist within residential areas, circumstances which exist in this case. Even allowing for the removal of the existing single storey elements which currently extend to the site's boundaries, the combination of the proposal's scale and situation in relation to its neighbours would cause harm to the area's character in conflict with saved UDP Policy H9.
10. Notwithstanding that the proposal may not conflict with some of their criteria, as the proposal would detract from the existing streetscene and fail to recognise or complement the qualities of the surrounding area including the scale, form and layout of adjacent buildings, it would not comply with the design requirements of saved UDP Policies H7 and BE1 as supported by supplementary guidance². Although there would be no apparent conflict with London Plan, 2015 (LP) Policy 7.5's public realm requirements, for the same reasons the proposal would not comply with LP Policies 7.4 and 7.6. Together these development plan policies accord with the National Planning Policy Framework's (the Framework) requirement that poor design that does not improve an area's character or quality should be refused.

Living conditions

11. The substantial scale of the rear of the proposed houses would extend farther into the rear garden and over a greater width than the existing house such that it would be noticeable from the rear aspects of Nos 202 and 206. However, the

¹ London Borough of Bromley Unitary Development plan, 2006 (UDP).

² Supplementary Planning Guidance: No.1 Design in Bromley and No.2 Residential Design Guidance.

degree of setback from both party boundaries would mean that whilst prominent, its effect would not be one which would be unacceptably overbearing when viewed from the windows and outdoor spaces at the rear of these neighbouring properties.

12. The drawings, although illustrative do not indicate windows in flank elevations apart from rooflights. Any reserved matters scheme could ensure that there were no windows in these locations and that roof lights were specified to avoid any overlooking. The proposal would enable some overlooking of the neighbouring rear gardens. However, this would exist with the current arrangement and a degree of mutual overlooking of adjoining parallel gardens would be an established feature of the detached houses in the vicinity. Although an additional dwelling would be introduced and windows would be positioned higher, any overlooking of gardens which would occur would not be so extensive as to lead to an unacceptable loss of neighbours' privacy.
13. As such the proposal would not give rise to material harm to existing occupiers' living conditions. In reaching this conclusion I have had regard to the findings of the Inspector considering previous appeals³ for more extensive proposals on the site. The proposal would consequently avoid conflict with saved UDP Policy BE1 and supplementary guidance as well as the Framework's core planning principle that a good standard of amenity be sought for existing occupants.

Other Matters

14. The appellant considers that the proposal would be sustainable development. However, despite its location and re-use of a developed site, the harm to the area's character and appearance would mean that the proposal would not satisfy the environmental and social roles the Framework expects sustainable development to demonstrate. Notwithstanding that appearance is a reserved matter I do not consider that dismissing the appeal would have the effect of stifling innovation in the context of paragraph 60 of the Framework.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, the proposal would harm the character and appearance of the area, contrary to the development plan, supplementary guidance and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

³ APP/G5180/W/16/3142060 and APP/G5180/W/16/3142068.