

Appeal Decision

Site visit made on 5 January 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 06 February 2017

Appeal Ref: APP/G5180/W/16/3160185
111 Whitebeam Avenue, Bromley BR2 8DN

- 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 Shaun Collins against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03117/FULL1, dated 18 October 2015, was refused by notice dated 7 September 2016.
 - The development proposed is a detached residential house and associated parking.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the dwelling at 111 Whitebeam Avenue having regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises the side garden of 111 Whitebeam Avenue where there is an existing double garage. The dwelling and those in the vicinity are two storey semi-detached with side garages. Dwellings along the road have spacious front gardens and rear gardens. Alongside the southern boundary of the appeal site, there is a belt of trees which provide an attractive presence within the street.
 4. The proposed dwelling would be sited behind and alongside the existing dwelling at No 111. A submitted Arboricultural Report (AR) identifies an existing Oak tree of moderate quality within the boundary belt of trees which would be close to the new dwelling. It has an attractive presence by reason of its height and spread, with longevity of greater than 40 years. Any deterioration and especially removal would significantly reduce the visual qualities of it and the belt of boundary trees that it is sited within. In turn, this would adversely affect the character and appearance of the area.
 5. The dwelling would encroach into the Root Protection Area (RPA) of this Oak tree. Protective measures to the roots of the tree include hand digging the top layer of the ground surface under the supervision of an Arboriculturalist, the use of micro pile foundations, the construction of a suspended ground floor for
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the dwelling, diversion of rainwater over the affected root area and appropriate ground surfacing underneath the dwelling. Such measures could be conditioned for approval and implementation but there is little certainty within the AR over whether these measures would be successful in safeguarding the health of the tree. In this regard, there is limited evidence to substantiate the assertion that the micro piling here would maintain the health of the roots of this particular tree. For these reasons, I concur with the Council's Tree Officer's comments over the development's adverse impact on this tree's roots especially given that the AR indicates encroachment into the RPA of about 12.6%, not an insignificant area.

6. Turning to the built characteristics of the area, the new dwelling would sub-divide an existing plot and would be sited approximately 1m from its boundary with No 111. However, it would be discretely located at the end of the road and sited back from the front façade of No 111 and its semi-detached neighbour. The plot itself would widen from front to the rear. Consequently, the impact on spaciousness would not be significant and the development would not be cramped.
7. In conclusion, the development would harm the character and appearance of the area by reason of the harm to a tree for the reasons indicated. Accordingly, the proposal would be contrary to policies H7, BE1 and NE7 of the London Borough of Bromley Unitary Development Plan (UDP) 2006, and Policies 3.5, 7.4 and 7.6 of the London Plan 2016, which collectively and amongst other matters, require a high standard of design, development to recognise and complement the qualities of surrounding areas and account to be taken of existing trees which are considered desirable to be retained.

Living conditions

8. The proposed dwelling would project behind the rear of the dwelling at No 111 by reason of its siting back from the facade of that dwelling. This would result in approximately half of the dwelling's flank facing onto a part of the rear garden of this property. The dwelling would be approximately 1m from the neighbour's garden. However such a gap would not be great enough to negate the overbearing and oppressive impact of the dwelling by reason of its two storey scale and depth. The Appellant lives at this neighbouring property but planning is concerned with the living conditions of both existing and future residents, and works of this nature are of permanent nature. Therefore, this consideration would not override the identified adverse impact.
9. For these reasons, there would be harm to the living conditions of the occupiers of a neighbouring dwelling by reason of the loss of outlook. Accordingly, the proposal would be contrary to policies H7 and BE1 of the UDP, which collectively and amongst other matters, require development to respect the living conditions of neighbours and ensure their environments are not harmed.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR