

Appeal Decision

Site visit made on 31 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: 21 February 2017

Appeal Ref: APP/G5180/W/16/3162441

6 Beaconsfield Road, Bickley, Bromley BR1 2BP

- 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 C Allen, Sterling Developments (UK) Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03000/FULL1, dated 22 June 2016, was refused by notice dated 14 October 2016.
 - The development proposed is demolition of existing building and erection of 3 no. 2 1/2 storey 3 bed houses with parking, refuse, recycling & cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the proposed development would have on the character and appearance of the area, on the living conditions of occupiers of neighbouring residential properties and on highway safety.

Reasons

Character and appearance

3. The appeal site is currently occupied by a two storey detached building which is divided into two dwellings. Beaconsfield Road is inclined, rising up from the west towards the site which is partly set on a pronounced bend in the road. As a result the existing building and its verdant side garden are prominent in the streetscene, particularly when viewed from the west. The side garden provides a degree of relief from the otherwise generally fairly closely spaced detached and semi-detached houses which characterise the street. These features of the site make a positive contribution to that streetscene.
 4. The frontages of the proposed houses would be stepped, broadly responding to the curved frontage of the site. The westernmost house would occupy part of the existing side garden and the other two would be set back within the site compared to the footprint of the existing building. Although this arrangement would not project beyond the existing building line formed by No 6 and its neighbours to the east it would result in substantial built form. This would be particularly prominent in the streetscene. The appearance of the end gable wall which has a partial hipped roof would contribute to a bulky form and appearance which would not be significantly reduced by the stepped frontage.
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5. The buildings would occupy a wider frontage and extend farther into the rear of the site at a point considerably closer to the boundary with 8 Beaconsfield Road over whose front garden and drive the proposal would be visible. The prominence of the site on the curve in the road and its relatively elevated position would amplify these effects on the streetscene.
6. The relatively narrow frontages of each house and closely spaced front drives occupying much of the frontage would heighten a cramped appearance within the site in contrast to the existing spacious arrangement on the site and predominant character in the vicinity. The result would be a development which would appear as an overdevelopment within the confines of the site and one which would harmfully erode the spacious character which currently exists at the corner.
7. I have had regard to the previous appeal decision¹ on the site. Although that scheme was materially different in a number of respects, it would have occupied a similar position in relation to the western boundary of the site, albeit extending farther back into the site. I note that in considering that scheme the Inspector found the loss of side garden regrettable but not significantly harmful in itself. However, having considered all the aspects of the proposed scheme I consider that the combination of the effects of the proposal's built form and how it would occupy the site would harm the character and appearance of the area.
8. Consequently the proposal would be contrary to UDP² Policies BE1 and H7 which together require that site layout, buildings and the space about them are designed to a high quality which complements the qualities of the area and does not detract from the existing streetscene, amongst other criteria. These policies accord with the National Planning Policy Framework's (the Framework) approach of always seeking high quality design and that development that fails to take the opportunities available for improving the character and quality of an area should be refused.

Neighbours' living conditions

9. I was able to view the site and its relationship to its surroundings from inside No 8 and its garden as part of my site inspection. The site bounds the modest rear garden of No 8 which currently benefits from a reasonable degree of privacy given its distance from No 6. The rear elevations of the proposed houses would be angled towards, and in close proximity to, this garden. This sensitive relationship would mean that occupiers of the nearest proposed house would be able to look into No 8's garden from the first and second floor rear windows. This would significantly reduce the level of privacy which the occupiers of No 8 currently experience, even accounting for its garden's relationship with the other adjoining property at No 8a. The small size of No 8's garden would limit opportunities for occupiers to find space within it that would not be overlooked.
10. I am conscious that the rear elevation of the nearest house would not extend quite as far into the site as the previous scheme. Unlike that scheme, the current proposal would not have a balcony at second floor level which the Inspector in the previous appeal found harmful to neighbours' living conditions.

¹ APP/G5180/W/16/3153119.

² London Borough of Bromley Unitary Development Plan, 2006 (UDP).

Nevertheless, although the absence of a balcony would reduce intrusiveness to a limited degree, the orientation and elevated situation of the proposed dormer window would materially harm the living condition of the occupiers of No 8.

11. This would be contrary to UDP Policy BE1 which requires that development should respect the amenity of neighbouring occupiers and ensure their environments are not harmed by inadequate privacy, amongst other criteria. This accords with the Framework's core planning principle of always seeking to secure a good standard of amenity for all existing occupants.
12. However, the proposal's distance from, and orientation to, other adjoining houses and gardens would avoid similar materially harmful overlooking or other harmful effects on living conditions of other adjoining occupiers. The proposed building's situation relative to the side elevation of No 8 would avoid a materially harmful effect on outlook from or light reaching habitable rooms in that property.

Highway safety

13. Each dwelling would have a drive which would allow a vehicle to be parked off-street. The access points to these may slightly reduce the availability of on-street parking which currently exists in front of the site. The Council considers that the site has relatively low public transport accessibility. This aspect, combined with the size of the proposed houses would mean that one or more households occupying the dwellings may well have more than one car.
14. In support of the application the appellant provided a Parking Stress Survey Report which concludes that capacity exists for further on-street parking in the vicinity of the site, in light of which the Council's officer report records that there was no highway objection. This conclusion was based only on night time surveys and did not measure day time capacity which the Council and interested parties consider is reduced at certain times as a result of parking by employees of a nearby Council depot.
15. Nevertheless, the Council have not expanded on exactly what harmful effects an increase in on-street parking demand would give rise to in respect of highway safety and traffic flow. Whilst it would be likely that visitors' or occupiers' cars which could not park on the drives would do so on the adjoining street, in the absence of any substantive evidence to the contrary, this would not necessarily lead to harm to highway safety, even if parking stress during the day were to be significantly higher than at night. The modest increase in parking demand which may arise might compound residents' existing frustrations with availability of spaces but this would not be so harmful in itself as to warrant rejecting the proposal.
16. As such the proposal would avoid conflict with UDP Policy T3 which requires maximum rather than minimum off-street parking provision and also the highway safety requirements of UDP Policy T18. However, avoidance of harm in this respect does not amount to a positive consideration.

Other Matters

17. The proposal would result in an additional dwelling on the site and the associated economic and social benefits that this would deliver. However, even considering the Framework's aim to boost significantly the supply of housing, these benefits would be limited. The appellant considers that these benefits

should be given additional weight as they consider that the Council cannot demonstrate a five-year supply of deliverable housing sites. However the Council disagree with this view and refer to their report of November 2016 which concludes that such a supply exists.

18. Nevertheless, even if I were to conclude that there is a shortfall in the five-year supply of the scale suggested by the appellant and that relevant policies for the supply of housing (which could include UDP Policy H7) should not be considered up-to-date as a result, the adverse impacts of granting permission on the area's character and appearance and neighbours' living conditions would significantly and demonstrably outweigh the benefits of doing so.
19. I am conscious that Council officers recommended that the proposal be approved and that the appellant has attempted to overcome the harmful elements identified in the previous appeal decision. However, this has not led me to the view that the appeal proposal before me, considered on its own merits, would avoid the harm I have identified above.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, the proposal would harm the character and appearance of the area and the living conditions of occupiers of No 8, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR