
Appeal Decision

Site visit made on 15 March 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 05 April 2017

Appeal Ref: APP/G5180/W/16/3164722

Land adjacent to 28 Park Hill Road, Shortlands, Bromley BR2 0LF

- 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 Jemcrest Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00218/OUT, dated 29 December 2015, was refused by notice dated 23 June 2016.
 - The development proposed is the erection of a part 3 storey, part 4 storey building comprising 6 three bedroom and 3 two bedroom apartments, basement, lower ground floor vehicle and cycle parking, provision of bin store, access and associated landscaping.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a part 3 storey, part 4 storey building comprising 6 three bedroom and 3 two bedroom apartments, basement, lower ground floor vehicle and cycle parking, provision of bin store, access and associated landscaping at Land adjacent to 28 Park Hill Road, Shortlands, Bromley BR2 0LF in accordance with application Ref DC/16/00218/OUT, dated 29 December 2015 and subject to the conditions below.

Procedural Matter

2. The application is made in outline with details of access, layout and scale subject to consideration as part of this proposal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the street scene.

Reasons

Character and Appearance

4. Park Hill Road is a verdant residential street, characterised by large buildings of varying architecture, within spacious plots. The appeal site, which forms a gap between built development, features many mature trees and is subject to a marked fall in ground levels to the north and even more abruptly to the east. The effect of this is that the group of dwellings immediately to the north of this site, are situated at a lower level and those to the rear of the site, on the cul de sac known as The Glen are at a significantly lower level. Conversely, on the
-

opposite side of Park Hill Road, the apartments at Mont Arlington are more elevated.

5. Whilst the proposed building would be substantial in both scale and depth, there are several mitigating factors in this case. The proposed building would be sited so as to retain significant gaps to the side boundaries of the plot. Also the overall height of the building would fall in keeping with the street towards the north, with a gradual drop in the roofline. These features would assimilate the development effectively with adjacent buildings to the north and south, respecting the aforementioned change in ground levels whilst ensuring that the height of the building would be lower than the donor property at No 28 and the apartment building on the opposite side of Park Hill Road.
6. From the indicative elevation drawings, the front elevation of the building could be designed to incorporate projecting gables in keeping with the design of the front elevation of No 28. Moreover the building would be significantly set back from the highway, conforming to the forward building line of No 28 and incorporating a stepped and profiled elevation which would give the building a more recessive appearance. Furthermore the building would be screened to a large degree by mature boundary trees to be retained within the site, therefore further reducing its sense of presence whilst safeguarding the verdant street character.
7. The Council has drawn my attention to a previous development proposed at the site, which was dismissed following appeal. However the design of the proposal in that case involved the formation of a cul de sac of several terraced dwellings sited perpendicular to the highway. That proposal was therefore significantly different to the prevailing pattern of development along Park Hill Road and to the appeal in this case and does not, therefore, weigh in favour of the refusal of planning permission.
8. For the aforementioned reasons I am not persuaded that the proposed building would appear cramped, dominant or excessively bulky. Rather it appears to me that it would sit comfortably within the site and would form a relatively inconspicuous addition to the street. I conclude that it would not result in harm to the character and appearance of the street scene and would therefore be in keeping with Policies BE1 and H7 of the London Borough of Bromley Unitary Development Plan 2006 (UDP) insofar as they seek to promote a high standard of design and layout which complements its surroundings. Policy H8 of the UDP is concerned with residential extensions and is not therefore relevant in this case.

Other Matters

9. A number of concerns have been raised by local residents in relation to the proposed development. In terms of its effect on overlooking and privacy, I am satisfied, taking into account the retention of many mature trees around the boundary of the site which would continue to provide significant screening, together with the generous separation from buildings to the front, rear and side and the use of angled bay windows and privacy screens to external terrace areas, that this would not be a problem. Similarly with regard to the impact on light, it was apparent from my visit that because of the tree presence on the site, the proposed building would not worsen the existing degree of overshadowing of adjacent properties.

10. In terms of car parking, I acknowledge that there is significant on-street demand at present. However I note that the Council has raised no objection to the amount of off street parking proposed to serve the development and the small number of spaces that would be lost to the proposed access drive would be negligible in the context of the street as a whole. I have not been provided with any evidence that would suggest the proposed development would cause subsidence or adversely affect the foundations of any existing buildings or would result in harm to any protected species. As to concerns regarding the potential behaviour of tenants in terms of the maintenance of the property, there is no evidence before me that any harm would be caused to the property or to the living conditions of existing residents in this regard and as such this is not a matter to which I can give any significant weight. In terms of the construction process I am able to impose a condition requiring the appellant to agree a construction method statement with the Council. This is a commonly used condition enabling matters such as construction working hours to be controlled.
11. Concern has also been expressed with regard to loss of view that may be experienced. I am, however, unable to attach any significant weight to this matter as it is not the purpose of the planning system to arbitrate over competing private interests.

Conditions

12. I have considered the conditions suggested by the Council. I have set out requirements for reserved matters in accordance with the requirements of the Act. Conditions specifying the plans and requiring details of the external materials including surfacing of the access and parking areas and windows are needed to safeguard the character and appearance of the area, with conditions for boundary treatments, balcony screening, finished levels and tree protection also required to protect the living conditions of residents.
13. Conditions controlling the details and completion of access, the completion of turning and parking arrangements, the lighting of these areas and the provision of a construction management plan are required to protect the living conditions of residents and in the interests of highway safety. A condition to assess the risk and remediate any contamination present on the site is necessary in the interests of environmental protection. A condition requiring drainage details is required to ensure the satisfactory drainage of the site. Details of cycle and bin storage are required in the interests of the proper planning of the area.
14. I have amalgamated and made minor alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in national planning guidance.
15. Conditions controlling the details of parking and turning space are not required as this information is indicated on the approved drawings. I have concluded that satisfactory provision would be made for car parking within the site to serve the development. A condition preventing residents from obtaining permits in order to ensure a car free development would not therefore be required. The suggested condition requiring agreement of security measures for the building is too vaguely worded and I have not therefore imposed it. In any event the occupation of the site would be likely to increase the level of natural surveillance in the locality and together with external lighting and boundary treatment would result in benefits to personal security.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they relate to the approved details, namely the access, layout and scale of the development: 4784-PD-01-Rev A; 4784-PD-10-Rev-A; 4784-PD-11-Rev-A; 4784-PD-12-Rev-A; 4784-PD-13-Rev-A; 4784-PD-14-Rev-A; 4784-PD-15-Rev-A; 4784-PD-20-Rev-A; 4784-PD-21-Rev-A; 4784-PD-30.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 6) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection plan. The land within the fenced areas shall not be altered without the prior written consent of the local planning authority.

- 7) No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 5 shall have been submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to the scale and duration of the works and shall include details of:
- i) induction of staff in awareness of arboricultural matters;
 - ii) identification of individuals and their responsibilities;
 - iii) statement of delegated powers;
 - iv) timing and methods of site visiting and record keeping, including updates;
 - v) procedures for dealing with variations and incidents;
 - vi) the scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority.

The scheme of supervision shall be implemented as approved.

- 8) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall commence until details of the windows and balcony screening including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) have been submitted to and approved in writing by the local planning authority. The windows and screening shall be installed in accordance with the approved details and thereafter retained.
- 10) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 11) The development hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,

- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 12) Details of the layout of the access road including its junction with Park Hill Road and dimensions of visibility splays shall be submitted to and approved in writing by the local planning authority and these access arrangements shall be completed before any part of the development hereby permitted is first occupied. There shall be no obstruction to visibility in excess of 0.6 metres in height within the approved splays except for trees selected by the Authority, and which shall be permanently retained.
- 13) Prior to the first occupation of the development the vehicle parking and turning space shall be completed in accordance with the approved details and shall thereafter be retained for such use.
- 14) The gradient of the access drive shall accord with the gradients shown on Plan Ref. 4784-PD-10-Rev-A received by the local planning authority on 16 May 2016.
- 15) No development shall commence until details of the finished surfaces of the access road and parking areas and lighting arrangements for these areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, completed before the development is first occupied and thereafter retained.
- 16) The development shall not be occupied until cycle storage space has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed cycle storage space shall be retained thereafter.
- 17) The development shall not be occupied until storage space for refuse and recycling materials has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed storage space shall be retained thereafter.
- 18) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for the routes of construction vehicles; loading and unloading of plant and materials including delivery hours; storage of plant and material used in constructing the development; construction working hours and wheel washing facilities. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 19) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any risk of contamination is found, a report specifying the measures to be taken, including the

timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority prior to development being commenced. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority following their completion.

- 20) The development shall not be occupied until boundary treatments have been constructed in accordance with details to be previously agreed in writing by the local planning authority. The agreed boundary treatments shall be retained thereafter.