

Appeal Decision

Site visit made on 14 March 2017

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/G5180/W/16/3165065

Holly Rigg, Woodlands Road, Bickley, Bromley BR1 2AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jon Quay of Bay Tree Homes Developments against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04479/RECON, dated 7 October 2016, was refused by notice dated 30 November 2016.
 - The application sought planning permission for the demolition of existing 2no dwellings and the development of 4no dwellings without complying with a condition attached to planning permission Ref DC/15/04295/FULL1, dated 15 January 2016.
 - The condition in dispute is No 2 which states that: *"The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority."*
 - The reason given for the condition is: *"In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area."*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is some confusion about the proposal the subject of this appeal arising from there being two different first pages of the application form with different descriptions of the proposed development on each, no reference to the condition in dispute and no condition on the original permission which lists the approved plans which can be varied. Nonetheless, it is quite clear to me from the Council's decision notice, the appellant's appeal form and the appeal submissions that the proposal is for a minor material amendment through the variation of a condition attached to planning permission DC/15/04295/FULL1. In this case I have identified the relevant condition to be No 2 which does not list the approved plans but does relate to plans approved under this planning permission. I have dealt with the appeal on that basis.
 3. I note from the application form and my observations on site that the building work has started and therefore I have dealt with the appeal on the basis of the proposal being retrospective.
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4. I have noted that although the Council's decision notice refers to Policy H7 of the Unitary Development Plan July 2006 (the UDP), in its appeal submission the Council has corrected this and clarified that H7 should read as H8. Policy H8 of the UDP relates to residential extensions. I am satisfied that the error will not prejudice the appellant's position.

Main Issues

5. The main issue is the effect on the character and appearance of the area.

Reasons

6. The appeal site is situated on Woodlands Road close to the junction with Bickley Park Road and adjacent to Chislehurst railway station. Woodlands Road is a private road and although there is a mix of architectural styles including some modern development the overall character is that of a spacious inter-war residential development with large houses in substantial plots.
7. The area is designated as an Area of Special Residential Character, which is based on its distinctive character which is well-established, readily identifiable and coherent with the majority of properties having the similar characteristics, including spatial standards and well-landscaped frontages.
8. In January 2016 planning permission was granted for the demolition of two existing dwellings and the development of four dwellings on the site. The approved scheme which is currently being built on the site is described by the appellant as being "four London town houses" and shows two rooflights in the front facing slope of each of the four properties. The current proposal is to replace these rooflights with two front facing dormer windows in the mansard roof of each of the four properties.
9. The approved scheme will provide a new high quality residential development within its setting in an Area of Special Residential Character and is sensitive to the different styles of property in the immediate vicinity. This includes the adjacent modern 'Halcyon Heights' three storey detached dwelling and more mature large detached nearby properties along Woodlands Road.
10. The front roof slope of the properties will be of modest proportions and the simplicity of the roof form contributes positively to the overall design of the properties and their response to surrounding developments, including Halcyon Heights, in particular. The addition of two dormer windows into each of the modest roof slopes would dominate the prominent and open frontage of the development and detract from the integrity of each individual property and the overall scheme.
11. I recognise that each of the dormer windows would be relatively small; however, as a consequence of their prominence and clustering, cumulatively the dormer windows would visually clutter the frontage of the properties, out of character with surrounding properties. Consequently the proposal would harm the appearance of the new development, the surrounding area and the Area of Special Residential Character, generally.
12. Although the appellant has drawn attention to other front facing dormer windows elsewhere in the residential area around Woodlands Road, there is no evidence of front facing dormer windows of the style proposed in the immediate vicinity of the site. The examples shown around Woodlands Road

have a different context to the appeal proposal with respect to the overall roof design of the properties identified, the scale of the roofs, the relationship of the dormer windows to the roof and the form, scale and relationship of the properties to the street. The existing dormer windows are distributed throughout the residential area, rather than being clustered in a particular small area as would be the case should this appeal be allowed. Furthermore, the variety in the design of the dormer windows and their host properties reduces their effect on the character of the area.

13. The example of front dormer windows on the modern development on Woodclyffe Drive is situated in an area which has a different residential character to the appeal site and its surroundings. Therefore, although I recognise that such windows can be and have been very successfully included in other high quality residential schemes, I do not consider they are suitable as proposed within the particular context of the appeal site.
14. Therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the area, contrary to the requirements of Policies BE1, H8 and H10 of the UDP. In view of the harm I have identified the scheme would not accord with the Council's supplementary planning guidance. These policies and guidance expect all development proposals to be of a high standard of design that respect the scale and form of the host dwelling, are compatible with and complement the qualities of the surrounding area and respect the established and individual qualities of Areas of Special Residential Character, among other things.

Conclusion

15. For the reasons given above and taking into account other matters I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR