The Planning Inspectorate

Appeal Decision

Site visit made on 21 March 2017

by David Walker MA MRTPI

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

Decision date: 21st April 2017

Appeal Ref: APP/G5180/W/16/3161269
17 The Weald, Chislehurst BR7 5DT

- 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 Tamplin against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/16/02181/FULL1, dated 5 May 2016, was refused by notice dated 15 September 2016.
- The development proposed is a new dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on:
    i) the living conditions of the occupants of No 16 The Weald in relation to scale and proximity and having regard to outlook, noise and disturbance
    ii) the character and appearance of the area, and
    iii) trees in close proximity

Reasons

Living conditions

3. The Weald is short residential street of detached houses in modest plots. There is a regular pattern of development with individual dwellings positioned a similar set back over a frontage and with consistent length back gardens. Although the proposed dwelling would have a frontage onto the principal street, Walden Road, it would present a two-storey building close to the boundary with the back garden of No 16.

4. The existing occupants of the neighbouring property currently benefit from a relatively unobstructed outlook over the appeal site towards trees. While the potential for overlooking from the first floor windows of the proposal could be controlled, the scale and massing of the proposal would have an enclosing effect and diminish the outlook available to the neighbour.

5. An additional dwelling would also inevitably generate activity that would increase the potential for noise and disturbance as a result of having two dwellings along the boundary. Given the regular arrangement of back gardens

along The Weald an additional dwelling at this position would be harmful to the existing living conditions of the occupants of No 16.

6. On this issue, the harm to living conditions would conflict with Policy BE1 of the Bromley Unitary Development Plan 2006 (the UDP) which requires development proposals to be of a high standard of design and layout, and the design criteria of Policy H7 of the UDP that requires development to complement the scale and character of an area, amongst other criteria.

Character and appearance

7. Along Walden Road there is a mix of house types and architectural styles, including a recent housing development located opposite the appeal site entrance. Accordingly, no particular house designs prevail. Whereas there is consistency in the pattern of development along The Weald, this is not apparent in the Walden Road street scene.

8. An existing access in the tall fence along the boundary of the appeal site with the principal street would be utilised in the proposal. It would be widened to facilitate the development. However, the loss of part of the garden to No 17 would not be apparent along Walden Road and the pattern of development in this part of the street scene would be preserved.

9. While the proposed dwelling would be positioned further forward of the neighbouring property 'The Pines' and have a larger footprint, given the diversity of house designs this would not be harmful. The Council has not raised any objection to the appearance of the dwelling and I have no reason to disagree.

10. Therefore, with variety in the properties along Walden Road I am satisfied that the addition of a further dwelling would not be uncharacteristic. In this regard the proposal would accord with the requirement of Policy BE1 of the UDP for development to not detract from the existing streetscene.

Trees

11. A Common Yew and Goat Willow would be removed in the development, the former being protected under a tree preservation order (TPO). They are not assessed as being high quality trees in the survey provided by the appellant, and the limited amenity value of the Yew could be substituted with replacement planting.

12. The TPO also extends to an Oak at the entrance to the appeal site. This is a good specimen tree with a high amenity value. While the extended driveway of the proposal would increase the amount of hardstanding in the root protection area (RPA) this would be marginal in relation to that which exists. The extent of the RPA that would be covered would remain within acceptable limits established in the British Standard.

13. The tree survey also shows that the proposed dwelling would encroach into the RPA of the Oak. However, with pile foundations and services laid using hand dig construction methods no harmful effects are predicted. I have no contradictory technical evidence before me to indicate otherwise, and on this basis I am satisfied that no significant impacts would arise.

14. On this issue, as the important trees of the TPO would be safeguarded the proposal would accord with the requirements of Policy NE7 of the UDP for development to take particular account of existing trees on the site.

Overall findings

15. While I find the proposal would not have significant impacts under the main issues of character and appearance, and trees, this would be insufficient to outweigh the harm I have identified in relation to the effect on living conditions.

16. My attention has also been brought to the availability of a five-year supply of deliverable housing sites as required at paragraph 47 of the National Planning Policy Framework (Framework). It is disputed by the parties. However, whether or not a shortage of suitable sites exists, the contribution that a single dwelling would make to the available supply would be minor and would not be sufficient to outweigh the significant harm I have identified.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR