The Planning Inspectorate

Appeal Decision

Site visit made on 25 April 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 19 May 2017

Appeal Ref: APP/G5180/W/17/3167824
Site to the side of 27 and 27A Hodson Crescent, St Mary's Cray, Orpington, Kent BR5 4BS

- 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 Ms S Hodson against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/16/03640/FULL1, dated 25 July 2016, was refused by notice dated 13 October 2016.
- The development proposed is the demolition of existing garage and the construction of a two storey, two bedroom house to the side of 27 and 27A Hodson Crescent.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - The effect of the proposed development on the character and appearance of the surrounding area.
   - The effect of the proposed development on the living conditions of the occupiers of neighbouring properties with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site comprises a narrow strip of land, having a plot width of approximately 5.4m, located between the end terraced properties at Nos 27 and 27A Hodson Crescent and is currently occupied by a detached single garage with a garden area to the rear. It is sited in the south eastern corner of Hodson Crescent which is part of a residential estate comprising of semi-detached and two/three storey terraced blocks. A characteristic feature of development in the area is that the dwellings are well proportioned in relation to their plot size with relatively uniform gaps between the buildings that provides some important visual relief in an otherwise fairly densely developed urban environment.

4. The proposed development would involve the demolition of the garage and the construction of two storey pitched roof detached dwelling which the submitted plans indicate would be positioned 0.946m from the shared boundary with No 27 and would abut the boundary with No 27A. The proposed front elevation would be commensurate with that of the terraced block containing No 27A and the proposed rear elevation would extend beyond that of Nos 27 and 27A.

5. The proposed development would be the only detached dwelling on Hodson Crescent. It would occupy almost the full width of the plot and would eradicate the current gap between Nos 27 and 27A. Consequently, it would result in a cramped form of development both in its appearance in the street scene and in relation to its plot size. It would contrast markedly with the spatial distribution of surrounding development. Moreover, the loss of this important gap would result in the appearance a more dense form of development on this part of the estate. This would not display the characteristic spatial gap between properties and, as such, would appear out of character with the pattern of surrounding development.

6. Owing to its narrow width, the proposed dwelling would have a vertical design emphasis that would contrast markedly with the more elongated horizontal design emphasis of the form of the adjacent terraced blocks. Whilst pitched roofs are featured on the estate, in this case the proposed dwelling would be positioned between two end terraced properties each having hipped roofs. As such, it would appear both contrived and at odds with the appearance of the adjacent terraced blocks.

7. Taking the above factors into account, the proposed development would cause demonstrable and unacceptable harm to the character and appearance of the surrounding area. It would therefore conflict with Saved Policies BE1, H7 and H9 of the Bromley Unitary Development Plan (2006) (UDP) and Policy 3.5 of the London Plan (2015). These policies, amongst other things, require that new development should complement the scale, form and layout of adjacent buildings, should reflect the local character and density and should provide for the retention of a minimum of 1m space from the side boundary of the site to the flank wall of the building.

Living conditions

8. The front elevation of the proposed dwelling would be sited in a similar position to the front of the exiting garage. Although No 27 has a ground floor window in the side elevation, this is positioned in front of the existing garage. As such, the proposed position of the front elevation of the dwelling would be unlikely to cause any material loss of light or outlook to this window.

9. The Council indicate that the proposed dwelling would project approximately 8.2m beyond the rear elevation of No 27 at ground level and 6.2m at first floor level. I have no evidence to suggest that the Council's measurement of the extent of projection of the proposed dwelling may be incorrect. Owing to the local topography, the proposed dwelling would be sited higher than No 27.

10. The appellant has produced shadow diagrams that show the extent of shadow likely to be cast on the adjacent properties as a consequence of the proposed development. These indicate that No 27, which is positioned to the north of the appeal site, would receive afternoon and evening shadowing which would cause a reduction in the light received at the rear of the property.

11. In addition, the extent of bland brickwork projecting for a considerable distance beyond the rear façade of No 27, and positioned in close proximity to the property boundary, would appear as a dominant and overbearing feature that would unacceptably effect the outlook of the occupant of No 27 both in views from the rear of the dwelling and from the garden. This impact is exacerbated as a consequence of the difference in ground levels between No 27 and the appeal site.

12. The proposed dwelling would project approximately 3.8m beyond the rear elevation of No 27A at ground level and approximately 1.8m at first floor level. No 27A has no windows in the side flank of the property. I have taken into account the fact that the proposed dwelling would be positioned to the north of No 27A, the relatively shallow depth of the proposed rear projection beyond the rear elevation of No 27A and the evidence provide in the appellant's shadow diagram. These factors lead me to agree with the Council's view that the proposal would not cause demonstrable harm to the living conditions of the occupants of No 27A.

13. Taking the above factors into account, I conclude that the proposed development would cause an unacceptable loss of light and outlook at the rear of No 27. This would cause significant and unacceptable harm to the living conditions of the occupants of that property. Consequently, the proposal would be contrary to Saved Policy BE1 the UDP. This policy, amongst other things, requires that new development should respect the amenity of occupiers of neighbouring buildings and ensure their environments are not harmed by loss of light and overshadowing.

14. The Council has also referred to Saved Policy H7 of the UDP in the third reason for refusal of planning permission. However, this policy relates to housing density and design and makes little, if any, reference to the living conditions of the occupants of neighbouring properties in the consideration of new development. Consequently, I have attached little weight to the provisions of this policy.

Conclusion

15. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR