
Appeal Decision

Site visit made on 9 May 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 30th May 2017

Appeal Ref: APP/G5180/W/17/3169501
7 Elmstead Glade, Chislehurst BR7 5DX

- 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 & Mrs North against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04560/FULL1, dated 30 September 2016, was refused by notice dated 7 December 2016.
 - The development proposed is demolition of existing 1950's detached residential chalet and replacement with two-storey detached dwellinghouse with accommodation at roof level.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing 1950's detached residential chalet and replacement with two-storey detached dwellinghouse with accommodation at roof level at 7 Elmstead Glade, Chislehurst BR7 5DX in accordance with the terms of the application, Ref DC/16/04560/FULL1, dated 30 September 2016, subject to the conditions set out in the attached schedule.

Main Issue

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

Reasons

3. The appeal site is a 2 storey detached dwelling that is located in a cul-de-sac of residential properties. The cul-de-sac contains small groups of similarly designed properties with examples of individually designed dwellings such as that recently constructed at No. 6. Some of the properties appeared to have benefitted from substantial extensions and alterations. Single storey garaging and extensions of varying heights and designs in between the properties give views of trees within the rear gardens that create a spacious feeling that positively contributes to the character and appearance of the area.
 4. The proposal would introduce a detached dwelling that would be wider, deeper and marginally taller than existing and of a different design, incorporating a crown roof with flat roof dormer windows within the front and rear roof slopes and of a neo-Georgian appearance. On the boundary with No. 8 the first floor element would be set in approximately 1.3m from the boundary and at single storey it would be the same as an existing side garage.
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5. Policy H9 of the London Borough of Bromley Unitary Development Plan ('UDP') requires that for proposals of 2 or more storeys in height a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building. In this particular case, although a 300mm gap is proposed at single storey level which would be similar to the current side gap there would be a degree of conflict with this policy.
6. However, the National Planning Policy Framework ('the Framework') attaches great importance to design and at paragraph 59 states that 'design policies should avoid unnecessary prescription'. I am also mindful that Policy H9 also states that 'the Council will normally require' this and that proposals for the replacement of buildings will be considered on their merits. Clearly there is a need for discretion in the application of such empirical requirements and to my mind, the objectives of the policy are capable of being achieved through subjective assessment. Consequently, there is some tension between Policy H9 and the design guidance of the Framework, which is a material consideration.
7. Views of the sky and landscaping to the rear would still be possible and therefore the proposal would not appear unduly cramped and the spacious feeling of the cul-de-sac would be preserved. In a street where single and 2 storey built form is within close proximity of side boundaries, I do not share the Council's view that there would be a retrograde lowering of spatial standards that would be out of keeping or harmful.
8. The proposal would be a similar height to No. 6 and not significantly taller than No. 8. Although the eaves would be slightly higher, there are a variety of roof forms and eaves levels on properties within the street and in combination with its siting towards the end of the cul-de-sac, the proposal would not appear overly bulky or unduly dominant. It would be of a similar appearance to No. 6 and although the types of dormer windows proposed were not evident other properties benefitted from cat slide roof features. Moreover, they would be subservient and proportionate features within the roof and would not cause harm to the character and appearance of the area.
9. For these reasons, the proposal would accord with Policies BE1 and H7 of the UDP and Policy 7.4 of the London Plan ('LP') which, when taken as a whole require proposals to have regard to local character, that new development is of a high standard of design and layout and complements the qualities of the surrounding area. In this regard, the proposal would also accord with the design objectives of the Framework.

Other Matters

10. In reaching this view I have had regard to the representations made by third parties regarding highway safety during construction and the need for demolition. However, I have imposed a condition requiring a Construction Method Statement and the issue of whether the house should be retained and updated has no bearing on the planning merits of this appeal.
11. I have also had regard to the effect on living conditions of neighbouring occupiers but note that the Council did not object on these grounds. Having visited the site I agree with the Council that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers in terms of light, outlook or privacy.

Conditions

12. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. A condition requiring details of the external materials to be agreed is necessary, in order to protect the character and appearance of the area. A condition requiring details of boundary treatments is also required in order to protect living conditions of adjoining occupiers.
13. To prevent the increased risk from flooding, I have imposed a condition requiring details of a surface water drainage system to be agreed. A Construction Method Statement, including wheel washing measures, is necessary in the interests of highway safety and the living conditions of adjoining occupiers. In the interest of highway safety, a condition to secure the parking and turning areas within the site to be provided prior to first occupation is also necessary and for them to be retained as such. A condition requiring details of existing and proposed ground and floor levels to be agreed is also necessary to avoid an excessive raising or lowering of levels to protect the character and appearance of the area.
14. The Council suggests that the future enlargement of the house, roof, and other alteration to the roof and incidental buildings should be restricted by removing permitted development rights, in the interests of the character of the area and to avoid overdevelopment. However, such rights should be removed only in instances of specific and precise justification and I find no exceptional circumstances in this case such as to warrant the removal of these rights. I have therefore not included such a condition as I do not consider it to be necessary. To protect the living conditions of adjoining occupiers, a condition requiring no further window or door openings on the flank elevations is necessary.
15. Conditions 3, 6 and 8 are conditions precedent and I am satisfied that such conditions are fundamental to the development to ensure that development does not occur until such matters are resolved, in the interest of a combination of the effects on the character and appearance of the area and highway safety.

Conclusion

16. Although there would be a degree of conflict with Policy H9 of the UDP, I give greater weight to my findings that the proposal would accord with all of the criteria of Policies BE1 and H7 of the UDP and Policy 7.4 of the LP. Overall, the proposal would accord with the development plan, when read as a whole and the Framework and having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: EX01, EX02, EX03, EX04, EX05, EX06, PL01, PL02, PL03, PL04, PL05, PL06 and PL07.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development 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.
- 4) The dwelling hereby shall not be occupied until boundary treatments have been completed in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The boundary treatments shall be retained in the approved form thereafter.
- 5) The dwelling hereby approved shall not be occupied until a drainage system to allow for the disposal of surface water sewerage has been completed in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The system shall be retained in the approved form thereafter.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors and traffic management;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) Delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) Prior to the occupation of the dwelling, the garage and areas of hardstanding shall have been provided and laid out within the site in accordance with drawing no. PL01 for cars to be parked and to turn so that they may enter and leave the site in forward gear. The garage,

parking and turning areas shall thereafter be kept available at all times for the parking of vehicles and for turning.

- 8) No development shall take place until full details showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside of the application site, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) (or any order revoking and re-enacting that Order with or without modification), no windows/doors other than those expressly authorised by this permission shall be constructed on the flank elevations.

-----END OF CONDITIONS-----