
Appeal Decision

Site visit made on 7 June 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: 17 June 2017

Appeal Ref: APP/G5180/W/17/3171347

16 Park Avenue, Bromley BR1 4EE

- 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 D Hullah against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04629/FULL1, dated 5 October 2016, was refused by notice dated 13 January 2017.
 - The development proposed is the erection of a detached dwelling on land to the rear of 16 and 18 Park Avenue, Bromley.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

3. The appeal site is part of the rear gardens of 16 and 18 Park Avenue and fronts onto Kinnaird Avenue which is situated immediately to the south. It is situated within a predominantly residential area comprising mainly substantial semi-detached and detached residential properties and is close to the junction of Park Avenue and Kinnaird Avenue. Residential plot sizes in the locality are generous with properties generally facing the highway frontage with relatively long rear gardens.
 4. The site is a verdant, attractively landscaped rear garden area which makes an important contribution to the spacious and attractive setting of residential properties in the area. From Kinnaird Avenue the site is an important landscaped gap between the rear of properties along Park Avenue and the properties to the south west. There are some properties in smaller plots with smaller rear gardens in the vicinity of the site on Kinnaird Close and Cairndale Close; however, the pattern of development in these streets is different to the dominant form and pattern of development along Kinnaird Avenue and Park Avenue against which the proposed development would be read.
 5. Although the proposal is for a two storey property the lower floor would be partly set into the ground, therefore giving the impression of a single storey flat roofed structure when seen from Kinnaird Avenue. The property would occupy a relatively large part of the plot compared to other existing plots in the immediate locality. It would be located close to the northern boundary of the
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- site with its private amenity space to the side and front, unlike others in the area.
6. The overall layout of the plot would be at odds with the predominant form of high quality neighbouring residential properties in the locality. This is particularly significant due to the plot's situation adjacent to the road frontage in a prominent landscaped part of the street. Furthermore, the proposal would significantly reduce the plot sizes of Nos 16 and 18 Park Avenue which would be harmful to the strong established pattern of development and the spatial characteristics of the area.
 7. I recognise that the height of the proposal would be kept to a minimum and that the plot would be well landscaped in order to reduce the prominence of the dwelling. Furthermore the use of white render and stock brick would reflect some of the materials used locally. The building would be visible from parts of Kinnaird Avenue above the nearby boundary treatment and it would present itself as an alien form of development at odds with the traditional arrangement of buildings and plots in the area which would relate poorly to its surroundings, starkly contrasting with the attractive established residential setting.
 8. Contemporary design can successfully integrate into established areas of development and prevent conformity and monotony; however, in this case there is little evidence that a careful understanding of the site and its surroundings has led to the proposal in front of me. As a result it fails to respect the area's main characteristics and would be a cramped and discordant addition to the street scene and the area generally.
 9. The appellant contends that the limited scale of the development would be no different to that of an outbuilding that could be constructed under permitted development rights. However, that is not the proposal before me and therefore it is important to emphasise that the appeal proposal is for a new dwelling which requires the benefit of planning permission to be built.
 10. It has also been put to me that the proposal complies with relevant planning policies which relate to a number of matters, including landscaping, the living conditions of the occupants of neighbouring residential properties, car parking and highways and security and crime, for example. However, I am not aware of any dispute between the main parties with reference to these matters.
 11. I also note that the proposal would increase the supply of housing by one, would add to the choice of homes in the area and may meet density ranges set out in the development plan. Furthermore, I acknowledge the presumption in favour of development as set out in the National Planning Policy Framework (the Framework). However, these matters do not outweigh the harm I have found with regard to the effect on the character and appearance of the area.
 12. Therefore, I conclude that as a consequence of its overall design, size, layout and restrictive size of the site the proposal would be a cramped form of development which would be out of character with the prevailing pattern of residential development in the locality, discordant with the street scene and therefore unacceptably harmful to the character and appearance of the area. As such it would conflict with Policies H7 and BE1 of the London Borough of Bromley Unitary Development Plan July 2006, Policies 3.5 and 7.4 of the London Plan March 2016, Supplementary Planning Guidance No 1 General Design Principles, Supplementary Planning Guidance No 2 Residential Design

Guidance and the Framework. Among other things, these seek to ensure that development is of a high standard and should complement the scale, form and layout of adjacent buildings, recognise as well as complement the qualities of the surrounding area and enhance local context and character.

Conclusion

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

Alastair Phillips

INSPECTOR