
Appeal Decision

Site visit made on 6 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: 30 June 2017

Appeal Ref: APP/G5180/W/17/3171328
67 Lusted Hall Lane, Biggin Hill TN16 2NN

- 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 Kate Mills of PB Property and Investments Ltd against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/16/01739/FULL1, dated 8 April 2016, was refused by notice dated 21 November 2016.
- The development proposed is single storey side extension to existing house to create a garage, demolition of a block of six garages including one used by the owner, reinstate six garages to new layout as existing size and two new three bedroom semi-detached houses.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on:
 - i. The character and appearance of the area; and
 - ii. The living conditions of the occupants of neighbouring residential properties with particular reference to outlook.

Reasons

3. The evidence before me indicates that the Council does not have an up to date five year supply of housing land, although I have no details of the extent of any such shortfall. As such, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the Council's policies for the supply of housing cannot be considered to be up-to-date. Consequently, in accordance with paragraph 14 of the Framework I have approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole or specific policies indicate that development should be restricted.

Character and appearance

4. The appeal site comprises a two storey end of terrace dwelling situated adjacent to the junction of Lusted Hall Lane and Lillie Road. The site also includes a block of single storey garages and a strip of land between Lillie Road

and the garages which forms part of the private amenity space for 67 Lusted Hall Lane. I observed at my site visit that the land slopes down across the site, meaning that No 67 is set at a lower level than Lillie Road.

5. There is a mix of other residential properties in the locality including two storey semi-detached houses, semi-detached bungalows, detached bungalows, chalet-style bungalows and some three storey town houses. Properties are built in different styles using a range of materials, including different coloured brick and render, and there is no particular defined style of building in the area. I also noted at my site visit that the block of six garages is in relatively poor condition, including two with collapsing roofs. The area immediately adjacent to the garages has also been used to tip waste and I saw that vehicles which appear to be disused were parked on the land.
6. The proposed pair of semi-detached houses which would front onto Lillie Road would have Dutch-barn style roofs and although from the front the properties would have the visual appearance of a chalet bungalow with two full storeys from the rear, the roof would appear particularly disproportionate, bulky and incongruous in its surroundings. Although I agree that there is a variety of properties of different scales and designs in the area the proposal does not respect the generally high quality residential surroundings and would be at odds with other dwellings in the vicinity. Furthermore, as a consequence of the close relationship between the proposed dwellings and the street the development would seem cramped with a layout that relates poorly to Lillie Road and the form and layout of its residential surroundings. Consequently, the proposal would appear excessively bulky and prominent in the street scene and would not harmonise with the surrounding area.
7. Given the specific circumstances and setting of the appeal site I give limited weight to recent appeal decisions where it has been concluded that proposals would not harm character and appearance. In any case the current appeal should be determined on its own merits. Therefore, I conclude that as a consequence of its overall design, height, scale and massing and cramped appearance the proposal 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 2006 (the UDP), Policies 3.5 and 7.4 of the London Plan 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.

Living conditions

8. The proposed two semi-detached properties would be located very close to No 67 and given the overall bulk and massing and elevated position they would be dominant and overbearing, causing an undue sense of enclosure and significant loss of outlook from rear of the property. Other properties in the row of existing properties would also be affected, but to a lesser degree.
9. I have noted that the Council's Officer Report also mentions concern with reference to harm from overlooking into the existing private amenity space to the rear of No 67, causing a loss of privacy. However, this is not covered in the

reasons for refusal and I therefore conclude that the concern expressed was not significant enough to warrant refusal in this case.

10. Given the specific circumstances of the appeal site and its neighbours and from my observations on site I do not consider that the relationship between the proposed dwellings and existing residential properties mimics other relationships in the area. For the same reason I give limited weight to the argument put forward by the appellant with reference to other recent appeal decisions.
11. On this issue I therefore I conclude that the proposal would have a harmful and unacceptable effect on the living conditions of the occupants of No 67, in particular, with particular reference to outlook. Therefore, it would conflict with Policies BE1 and H7 of the UDP and Policies 4.5 and 7.4 of the London Plan which, among other things, seek to ensure that development respects the amenity of the occupants of neighbouring buildings.

Conclusion

12. Having regard to paragraph 47 of the Framework the Council accepts that it does not have a five year housing land supply and therefore policies in the development plan are out-of-date with respect to the supply of housing.
13. The provision of two additional dwellings would make a very limited contribution to boosting local housing supply should planning permission be granted. There would also be some benefits in reconfiguring the existing garage block and re-using an area of brownfield land. The properties would also exceed the minimum space standards as set out in the London Plan. The evidence before me indicates that there are no particular concerns regarding car parking and matters such as cycle parking could be conditioned in the event of a grant of planning permission. The proposal could meet sustainability and energy requirements.
14. However, I have found that the proposal would be harmful to the character and appearance of the area and would have a harmful and unacceptable effect on the living conditions of the occupants of a neighbouring residential property with particular reference to outlook. Consequently, even in these circumstances where relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
15. 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