
Appeal Decision

Site visit made on 4 July 2017

by Katie McDonald MSc MRTPI

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

Decision date: 19 July 2017

Appeal Ref: APP/G5180/W/17/3173242

55 Kechill Gardens, Hayes, Bromley BR2 7NB

- 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 M Ross against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00382/FULL1, dated 29 January 2017, was refused by notice dated 31 March 2017.
 - The development proposed is a 3 bedroom end of terrace house.
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Decision

1. The appeal is allowed and planning permission is granted for a 3 bedroom end of terrace house at 55 Kechill Gardens, Hayes, Bromley BR2 7NB in accordance with the terms of the application, Ref DC/17/00382/FULL1, dated 29 January 2017, subject to the following conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

3. Sited on a road of semi-detached dwellings and bungalows, 55 Kechill Gardens is a two storey semi-detached dwelling set within a relatively substantial plot. Dwellings surrounding the site generally have long rear gardens and are all set a similar distance back from the street, with the exception of the bungalows at the head of the cul-de-sac. The area is residential, having a visually pleasing and spacious character. There are numerous examples of two storey side extensions.
4. The appeal proposal seeks to erect a dwelling house attached to the side of 55 Kechill Gardens, having 3 bedrooms and parking to the front. There is an extant consent for a two storey side extension at the appeal property (Local Planning Authority (LPA) ref. 16/04784), which, with the exception of a change to the ground floor garage door, is the same design as this proposal. I note that a condition restricted its use as a separate dwelling, however given that this permission was granted fairly recently, I am satisfied that if the appeal proposal were not erected, there is every likelihood that this permission would be built. Therefore, I give this fall back position considerable weight.

5. I have also taken account of the recent Inspector's decision (APP/G5180/W/16/3153085), for a very similar proposal at 53 Kechill Gardens, the adjoining property. Whilst being a different site, and noting that each proposal must be considered upon its own merits, I find that this decision is directly comparable to that before me and I regard this decision as a significant material consideration.
6. I consider that the proposal in terms of its built form would have an acceptable effect upon the host building, featuring a subservient roof line, set back front elevation and proportions that would not be incongruous to the surrounding area. The LPA similarly held this view with the approved scheme (ref. 16/04784).
7. The appeal proposal would maintain a gap of 3m to the side with 57 Kechill Gardens, a semi-detached bungalow, which features a flat roof garage and drive to the side. I note the appeal decision at No 53, and that this proposal would effectively create a terrace of four, yet given that it would appear very similar to the extant permission, I find that when viewed from Kechill Gardens, the proposal would not erode the spacious character of the area.
8. The effect of the building being used as a separate dwelling house would somewhat intensify its use, yet the area is residential in character and I do not find that the addition of one residential dwelling, and its associated comings and goings would have a harmful effect upon the character of the area.
9. The subdivision of the rear garden would result in a narrowing of the plots. I have noted that the adjacent bungalow has a wider and spacious garden area; however, given their single storey design, bungalows generally occupy a wider frontage. Consequently, given the significant length of garden, and the permission to No 53, I do not find that the change to the garden area of the appeal site would have any detrimental effect upon the spatial character.
10. I note the LPA raises concerns to the parking area to the front, and the lack of any landscaping to soften the effect of hardstanding. However, during my site visit, I observed that the front garden currently features predominantly hard surfacing, with minimal landscaping. As such, the visual effect of the additional car parking being laid out would be minimal, and whilst additional landscaping may be beneficial, I do not find this would be necessary to mitigate any adverse impacts and a condition to secure landscaping would be unreasonable in this instance.
11. Therefore, I find that the proposal would have an acceptable effect on the character and appearance of the surrounding area, complying with Policies BE1 and H7 of the London Borough of Bromley Unitary Development Plan (July 2006) and chapter 7 of The London Plan (March 2015), which together seek to ensure a high standard of design and layout, maximising the best use of urban land; and the aims and objectives of the National Planning Policy Framework in terms of achieving sustainable development.

Other Matters

12. I have noted the neighbouring objections in relation to the effect of the development upon living conditions with reference to loss of privacy, noise, and light, biodiversity, with reference to newts and frogs, trees, disruption during construction and covenants.

13. In terms of the effect of the development upon living conditions, this matter is not disputed between the main parties. Whilst I acknowledge that the side door would be the main access to the new dwelling, there is a flat roof garage and a gap of 3m between properties. I consider that would be sufficient space for there to be no significant effect on the living conditions of the occupants of No 57 with regard to noise, privacy and light. However, I have imposed a condition that will ensure the LPA maintains control over any window/door insertions to the northern elevation.
14. I have had no evidence presented to detail that the development would result in the loss of biodiversity. I did note that there is a tree on site, however, it is not a high quality species and its loss would have no detrimental effect upon the character and appearance of the area.
15. Construction would cause some disruption, but this would be short term and could be mitigated by careful construction management. In relation to any restrictive covenants, planning permission would not override any private legal rights.
16. I have also taken account of the LPA's detail in relation to the extensive planning history of the site and other developments in the area. I particularly noted a previous Inspector's decision (APP/G5180/D/16/3144426) which relates to the appeal dwelling. Whilst I have taken account of this decision, I have given it limited weight. This is because of the considerable weight that I have attached to the fall back position of the extant permission (ref. 16/04784), which the LPA details was a proposal that sought to overcome the Inspector's reasoning.

Conclusion

17. Therefore, for the given reasons above, I conclude that the appeal should be allowed.

Conditions

18. The appeal being allowed, I attach a condition securing that development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions relating to boundary treatments and external materials and are needed to ensure that the appearance of the development is satisfactory.
19. A condition to remove permitted development rights in order to ensure that control is maintained over future window insertions in the northern elevation is required to protect neighbouring residents from any loss of privacy. I also consider that a condition requiring the car parking spaces to be laid out is also necessary to ensure that the proposal has sufficient off-street car parking, and the provision of appropriate surface water drainage is also required to ensure the development has an acceptable effect upon existing surface water drainage systems.
20. I have not imposed a condition relating to landscaping, as I do not find that this would be necessary given my reasoning above. I have also not imposed the condition requiring the removal of permitted development rights relating to 'the enlargement, improvement or other alteration of a dwellinghouse' as I have not been presented with any reasons why this would be reasonable or necessary.

21. I do not consider that a construction management plan is necessary given the modest scale of the development proposed, akin to the extant permission, which features no such requirement. Further, I consider that a condition for construction vehicle wash down facilities is also unnecessary, again given the scale of the development.
22. I have not required that the permitted development rights for the car parking area are removed as I find this unnecessary, nor added the condition relating to 'no loose material' as condition 6 requires the submission of materials.

Katie McDonald

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans, being 'existing block plan', 'proposed block plan', 'location plan', 200117/1 of 9, 200117/2 of 9, 200117/3 of 9, 200117/4 of 9 200117/5 of 9, 200117/6 of 9, 200117/7 of 9, 200117/8 of 9, 200117/9 of 9 and Specification 200117 Notes.
- 3) No development shall take place until samples of all facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until details of surface water drainage works to prevent the discharge of surface water from private land on to the highway have been submitted to and approved in writing by the local planning authority. A clearly labelled drainage plan should be submitted showing pipe networks and any attenuation soakaways where infiltration forms part of the storm water system such as soakaways, soakage test results and test locations should also be submitted in accordance with BRE digest 365 and calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change. The relevant works shall be carried out in accordance with the approved details prior to occupation of the development.
- 5) No development shall take place until a scheme of boundary enclosures, including height and type, have been submitted to and approved by the local planning authority in writing. The building shall not be occupied until the relevant works have been carried out in accordance with the approved details and thereafter retained in the approved form.
- 6) The building shall not be occupied until the parking spaces area on drawing reference 'proposed block plan' has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors other than those expressly authorised by this permission shall be constructed on the northern elevation.