
Appeal Decision

Site visit made on 19 June 2017

by S Jones MA DipLP

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

Decision date: 19 July 2017

Appeal Ref: APP/G5180/W/17/3172556

129A White Horse Hill, Chislehurst, London BR7 6DQ

- 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 J Fitzgerald against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05193/FULL1, dated 25 October 2016, was refused by notice dated 5th January 2017.
 - The development proposed is the demolition of existing garage block and erection of two storey, two bedroom, semi-detached houses with associated car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on
 - i) the living conditions of future occupiers of the development with particular regard to daylight and outlook
 - ii) the living conditions of adjoining occupiers with particular regard to outlook, privacy, noise, and disturbance
 - iii) the character and appearance of the area
 - iv) car parking and highway safety

Reasons

3. The site is in a suburban residential location and currently occupied by single storey buildings. It lies down the side of a dwelling on White Horse Hill, past existing infill development comprising an office building that has already been converted to flats. It is constrained between the rear garden boundaries at 1-11 Oakdene Avenue and the side of the new housing development at Stead Close. This is on higher ground above this site currently separated by a retaining wall. The rear boundary of the site adjoins the side of the garden to 13 Oakdene Avenue.
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Living conditions for future occupiers

4. The design proposed includes fully obscured windows to the first floor rear bedrooms in each unit, one facing south, one east. These are the only windows serving these bedrooms, although the plans indicate possible rooflights. In either case, I consider that this would provide very poor outlook from each of these bedrooms, particularly for the east facing room as this side also faces towards the higher land of Stead Close.
5. At ground floor, each property is proposed to have patio doors facing onto the small side gardens. These gardens would be only approximately 3m wide and the outlook would therefore be almost directly to boundary fences and, to the east, the retaining wall. The front windows would look out onto what is currently concrete hardstanding and the existing flats. The eastern side of the semi-detached pair would face towards the existing flats in very close proximity and towards the houses at Stead Close opposite. In low sun the frontage would lie in the shadow of its own building whilst to the side it would be dominated by the raised level and the three storey houses at Stead Close, with the buildings, trees and fences at Oakdene Road further overshadowing the western side of the frontage.
6. Taken together, I conclude that this would not secure an adequate standard of light or outlook to the dwellings overall. This would conflict with Policy 3.5 of the 2015 London Plan because it would not protect the living conditions and residential environment at the properties or be a high quality development overall. It would also conflict with Policy BE1 of the Bromley Unitary Development Plan (UDP) and its Supplementary Planning Guidance¹ (SPG) which together seek adequate levels of light and satisfactory living conditions for future occupants. The policies in the UDP are saved and are broadly consistent with the 2012 National Planning Policy Framework (the Framework).

Living conditions of adjoining occupiers

7. The size, design and location of the proposed dwellings would result in a very close relationship to dwellings on all sides. To the front there would be limited separation to the flats directly opposite within the same site. The introduction of a two storey elevation with windows here would have an unacceptable impact on the privacy of those existing flats, and would dominate the outlook of the flat nearest to the proposed dwellings. Notwithstanding the obscuration of the first floor windows, unless they are conditioned to be permanently shut, which would further reduce the standard of the living conditions of future occupiers, these would represent harmful impacts on the privacy of neighbours to the east and south.
8. The two storey flank to the western side would be within 3m of the relatively modest rear gardens at Oakdene Road and a relatively short distance from their rear elevations. I consider that this would be an uncomfortable relationship, materially harming the outlook from the rear of these properties. The rear elevation would abut the boundary with the garden of No 13, and the introduction of the two storey bulk, rear elevation window and roof design would be a dominating and enclosing addition here, considerably larger than that existing. This would materially harm the outlook for residents of this property.

¹ Supplementary Planning Guidance No1: Design in Bromley and No2: Residential Design Guidance

9. Although currently fenced off and used for storage, the site could operate as an active garage and storage area with car movements associated with that use. There is also activity associated with the converted flat development. While I consider that noise and disturbance may increase through cumulative activity compared to the current circumstances, on balance, I find that noise and disturbance would not be so severe as to warrant dismissal on its own.
10. Nonetheless, to conclude on this matter, the proposal would fail to respect the living conditions of occupiers of neighbouring buildings and would conflict with Policy BE1 of the Bromley Unitary Development Plan (UDP) and its SPG which together seek satisfactory living conditions for neighbouring occupants and to ensure their environments are not harmed.

Character and appearance

11. While the site is not prominent in the streetscene a wide range of properties overlook the site. I consider that the size, design and location would not be complementary to these existing dwellings, but would contrast with them by roof design, side rather than rear gardens, and fully obscure glazed windows at first floor on the south and east. More significantly it would be perceived as an over-intensive development of the site, given the existing flats there and the constraints surrounding the remaining site area where the houses would be built. Consequently it would result in a cramped and contrived design compared to the character and appearance of the existing pattern of development in the area.
12. The proposal would conflict with Policy BE1 of the UDP and its SPG, which seeks high quality development that secures space around it with a complementary relationship with existing buildings. It would conflict with Policy H9 of the UDP because adequate space from the boundaries would not be provided to reflect the existing spatial standards of the area, and it would be contrary to Policy H7 of the Bromley Unitary Development Plan because it would not complement the qualities of the surrounding area and allow for adequate spacing. It would conflict with Policy 3.5 of the London Plan 2015, which seeks a high quality design which would enhance the residential environment, and it would not comply with the Mayors Housing Supplementary Planning Guidance 2016 because the practical shape and utility of the space allocated to the dwellings would limit its amenity because of the surrounding boundary constraints.

Car parking

13. The site is in a suburban location with bus services, but it is not rated as a particularly sustainable location in terms of transport and is reported to have a PTAL² rating of 2. It is stated that the proposal includes three car parking spaces, however no other information has been supplied.
14. I am not persuaded that the small areas of hardstanding left to the front of the dwellings would provide sufficient space for parking and turning of up to three cars. In such circumstances, the use of the narrow access with no facilities to turn cars would lead to difficulties in manoeuvring, potential competition for spaces and even the need to reverse vehicles out of the access. All these matters have the potential to contribute to risks to highway safety and in the

² Public Transport Accessibility Level

absence of sufficient evidence to demonstrate compliance, I find conflict with Policies T3 and T18 of the UDP, which seek to ensure road safety is not adversely affected.

Other Matters

15. Although referred to by the appellant, the development would not include any mix of tenures or household sizes, but I appreciate that it may comply otherwise with a number of policies in the 2015 London Plan, its Housing Standards and Housing Supplementary Planning Guidance, the DCLG Space Standards and the Framework, in terms of providing housing that would meet the internal and amenity space standards and would redevelop an existing site in a suburban location. The Council argue that there is not a current shortfall in Bromley's ability to supply housing, and in any case the addition of two houses makes only a limited contribution to be considered in any planning balance.

Conclusion

16. Notwithstanding my findings on noise and disturbance to adjoining occupiers, these matters do not outweigh the harm I have identified to the living conditions of future occupiers, neighbouring occupiers and the character and appearance of the area. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be dismissed.

S Jones

INSPECTOR