



Appeal Decision

Site visit made on 17 August 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 September 2017

Appeal Ref: APP/G5180/W/17/3176254

Land to the side of 31 Lubbock Road, Chislehurst BR7 5JG

- 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 Brewster against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04593/FULL1, dated 1 October 2016, was refused by notice dated 2 December 2016.
 - The development proposed is demolition of existing garage and erection of a single storey bungalow with on-site parking and amenity space provision and erection of replacement garage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of a single storey bungalow with on-site parking and amenity space provision and erection of replacement garage at land to the side of 31 Lubbock Road, Chislehurst BR7 5JG in accordance with the terms of the application Ref DC/16/04593/FULL1, dated 1 October 2016 and subject to the conditions below.

Procedural Matter

2. The Council has confirmed that following the receipt of further information it no longer seeks to defend its second reason for refusal which was concerned with flood risk. Accordingly, there is no need for me to address this matter in my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Chislehurst Conservation Area (CA) and the setting of the adjacent locally listed buildings at Nos 31 and 23 – 27 Lubbock Road.

Reasons

4. Lubbock Road is characterised by large dwellings in various architectural styles, informally laid out and set back various distances from the road, with an absence of uniform forward building lines and rooflines. Gardens are generally spacious and well planted. Mature woodland is a dominant feature of the area, the visibility of which is enhanced by changes in ground levels and gaps between built development.
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5. The site of the proposed bungalow is characterised by an extensive gap and marked fall in ground level between the elevated donor property and the adjacent group of cottages at Nos 23 - 27 Lubbock Road. The ridge of a well wooded embankment is evident through this gap to the rear of the site which adds to the attractive and spacious character of the CA.
6. The relatively limited scale and squat form of the proposed bungalow and its partial use of the existing site of the detached garage would serve to limit the mass of additional built development, whilst respecting the spacious embankment which would continue to form a prominent backdrop to the site.
7. The bungalow would incorporate red brickwork and a double fronted gable design with half timber Tudor-style cladding. This would reference the design of the donor property at No 31 and also the gables of the adjacent cottages at Nos 23 - 27 Lubbock Road. In addition to conforming with the design of these adjacent buildings, its restricted scale and height, set back from the road, and separation from adjacent buildings would give the proposed bungalow a recessive and respectful appearance rather than a dominant sense of presence or cramping, without attempting to disguise its residential use.
8. The proposed replacement garage would necessitate the removal of a section of the ornamental brick boundary wall running adjacent to the highway in order to allow for vehicular access. Although an attractive feature, the loss of a limited section of the wall would not justify the refusal of planning permission.
9. Furthermore, although a substantial retaining wall would be required in order to address the abrupt fall in ground level from the donor property, this feature would be significantly screened due to the presence of the proposed bungalow and existing ornamental wall. I do not therefore concur with the view that the retaining wall would appear as a visually dominant structure. In addition I concur with the Council in that, notwithstanding the difference in ground levels, the hipped roof of the bungalow would serve to mitigate its visual impact when viewed from the rear of the neighbouring property at No 27 Lubbock Road.
10. The Council has raised the concern that the rear amenity area of the property would potentially be very visible. However it seems to me that the steep gradient of land would not easily lend itself to practical use. Furthermore the presence of the site within the CA would allow for the protection of trees that might otherwise need to be removed to allow for more space. In addition it would be possible to impose a condition to allow for control over the erection of outbuildings and structures within the property.
11. I have given very careful consideration to the fact that there have been several previous unsuccessful attempts to secure planning permission for residential development on the site, where the respective proposals were dismissed following appeal. However, having reviewed the relevant plans and appeal decision letters, it seems to me that those developments were unsatisfactory because their scale and /or design were considered to result in harm to the character of the CA. The design of the proposal in this case differs from and is not therefore comparable to the previous unsuccessful schemes.
12. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the

CA. I conclude for the above reasons that the proposed development would preserve the character and appearance of the CA.

13. Furthermore it is necessary to consider the effect of the proposal on the setting of the donor property, No 31, and the adjacent cottages at Nos 23 – 27 Lubbock Road, undisputed to be non-designated heritage assets. It seems to me that the interest of these buildings derives from their age, form and appearance and the elements of setting that contribute to their significance include their relationship with the street. As set out above, the proposed building would be relatively small and significantly separated from and at lower level compared with the donor property. It would also be recessed and appear subordinate in relation to the more dominant frontage of the adjacent cottages. Accordingly it would not result in harm to the setting of these heritage assets.
14. I therefore find that the proposal would accord with Policies BE1, BE10 and BE11 of the London Borough of Bromley Unitary Development Plan 2006, Supplementary Planning Guidance for the CA and the National Planning Policy Framework insofar as they seek a high standard of design that conserves or enhances the surrounding historic environment.

Other Matters

15. Despite concerns being raised, I have not been provided with any evidence to suggest that the bungalow would result in land instability issues or would suffer from inadequate lighting and ventilation.

Conditions

16. I have considered the conditions suggested by the Council. Conditions specifying the plans and requiring details of the external materials, retaining walls, landscaping and boundary treatment, tree protection measures and finished levels are needed to safeguard the character and appearance of the area. A condition withdrawing permitted development rights for extensions and alterations to the dwelling and the construction of outbuildings is also required for the same reason.
17. Conditions controlling the provision and retention of parking spaces and the provision of a construction method statement are required to protect the living conditions of residents and in the interests of highway safety. A condition requiring drainage details is required to ensure the satisfactory drainage of the site. Details of cycle and bin storage are required in the interests of the proper planning of the area.
18. I have amalgamated and made minor alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in national planning guidance.

Conclusion

19. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Roy Merrett

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 following approved plans: 103/E01 Revision A; 103/E02 Revision A; 103/E03; 103/P01; 103/P02; 103/P03; 103/P04; 103/S01; 103/S02.
- 3) No development shall commence until details of the retaining wall to the proposed dwelling indicated on plan refs 103/P02 and 103/P04 and the retaining wall to the proposed detached double garage shown on plan ref 103/P03 including samples of the materials to be used for their construction, shall 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) No development shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, including the proposed garage door, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The approved details of landscaping shall be carried out in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The development shall not be occupied until boundary treatments have been constructed in accordance with details to be previously agreed in writing by the local planning authority. The agreed boundary treatments shall be retained thereafter.
- 7) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 8) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection plan.

- The land within the fenced areas shall not be altered without the prior written consent of the local planning authority.
- 9) No development shall commence until details of the location and means of excavation for soakaways, trenches and pipelines for services or drains have been submitted to and approved in writing by the local planning authority and the excavations shall be carried out in accordance with the approved details.
 - 10) The development hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - 11) Before the dwellings hereby permitted are first occupied the associated parking spaces shall be completed in accordance with the approved details and thereafter, 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), shall be kept available for such use.
 - 12) The floor of the detached double garage shall be constructed such that the gradient of the access drive does not exceed 1 in 10 at any point, as calculated from the levels of the back edge of the footway to the front of the garage floor.
 - 13) The development shall not be occupied until cycle storage space has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed cycle storage space shall be retained thereafter.
 - 14) The development shall not be occupied until storage space for refuse and recycling materials has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed storage space shall be retained thereafter.
 - 15) 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

external alterations or extensions shall be carried out to the dwelling, nor shall any building, enclosure, structure, pool, domestic fuel container or hardstanding be constructed within the curtilage of the dwelling.

- 16) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 17) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for loading and unloading of plant and materials including delivery hours; storage of plant and material used in constructing the development; construction working hours and wheel washing facilities. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.