
Appeal Decision

Site visit made on 15 November 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: 23 November 2017

Appeal Ref: APP/G5180/W/17/3179434
24 Downs Hill, Beckenham BR3 5HB

- 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 and Mrs Bloomer against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00812/FULL1, dated 17 February 2017, was refused by notice dated 15 June 2017.
 - The development proposed is the demolition of the host dwelling and erection of a new detached house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the host dwelling and erection of a new detached house at 24 Downs Hill, Beckenham BR3 5HB in accordance with the terms of the application, Ref DC/17/00812/FULL1, dated 17 February 2017, subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr and Mrs Bloomer against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the description of the proposal from the Council's decision notice rather than the original application form as it better describes the proposal before me.

Main Issues

4. The main issues are:
 - i. Whether the proposal preserves or enhances the character or appearance of the Conservation Area; and
 - ii. The effect on the living conditions of the occupants of an adjoining residential property with particular reference to sunlight and overshadowing, daylight, outlook and privacy.

Reasons

Character and appearance

5. The appeal site is an existing substantial detached house which was constructed around the 1950s with some later extensions. The site is situated within a particularly deep plot and the land slopes downwards from the adjacent highway towards the rear of the site. The existing dwelling is wide and covers almost the entire width of the plot. The site is situated within the Downs Hill Conservation Area and a Tree Preservation Order covers the front of the site and other residential sites in the immediate vicinity. The site is partly screened by mature trees in the front garden.
6. The Conservation Area comprises of detached residential properties which are mostly unified by their time of construction and their neo-Tudor and neo-Vernacular features. The design of individual properties and the use of materials vary throughout the area and there is also variety in the scale of properties which includes one and a half storey, two storey and two and a half storey buildings. Many properties feature bay windows, timber frame features and rendered front elevations. Generally, many original features have been retained which contribute to the high quality residential environment.
7. Immediately adjacent to the appeal site is No 20 Downs Hill which is one of a pair of similarly designed 1960s properties which are unusual in the area in terms of overall design, scale and materiality. The neighbouring property No 26 also appears to have been built around the 1950s and is a two storey substantial detached house.
8. The proposal entails the demolition of the existing property and to erect a replacement three storey residential property which includes accommodation in the roof space. The property would feature two gable wings which would be staggered in order to break up the potential monotony of the front elevation. It would have a modern design with steeply pitched gables with a crown roof linking the two gables at second floor level, overhanging eaves and rooflights in the front and side elevations. Materials would be rendered walls, aluminium clad wooden windows and doors with slate roof tiles.
9. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (the Framework) in determining this appeal I attach great weight to the desirability of preserving or enhancing the character or appearance of the Downs Hill Conservation Area within which the site is located.
10. The existing house does not make a positive contribution to the character or appearance of the Conservation Area in terms of architectural style or historic merit. The overall scale of the existing property fits in with many others in the area; however, its overall appearance, including the materials and extensions appear awkward and out of character with the surrounding high quality and visually attractive residential setting.
11. The Supplementary Planning Guidance for Downs Hill Conservation Area (the Downs Hill SPG) acknowledges that the design and materiality of properties in the area varies, yet also recognises that there are unifying characteristics which define the architectural quality of the Conservation Area, including for example the projecting bay windows and the use of render. Residential properties are mainly detached and set within large spacious landscaped plots and one key defining and attractive feature is the variety of styles. In the Conservation Area the Council expects all new proposals to conform to the

- character of the area especially with reference to the height and scale of buildings, the location within each plot and the design and materials used.
12. Taking account of the spacing between properties in the locality I consider that the proposed situation of the building within the plot would be acceptable having regard to the overall design concept of the property with steeply sloping roofs retaining the spacious character of the street scene. The separation between the proposed house and the boundaries either side are considered acceptable, providing spacing which avoids the new large building being cramped within the plot and the wider setting, including its relationship with the residential properties either side, in particular.
 13. The height of the building would be similar to the existing dwelling at No 26 and appears to be similar to that which has been approved by the Council at No 28. It would be significantly higher than No 20; however, as previously set out that property is unusual in terms of its design, scale and relationship with the surrounding Conservation Area and adjacent properties. However, the eaves of the proposed house would be lower than that of No 20 which would help it assimilate into its surroundings without giving the impression of a particularly massive, bulky or incongruous addition to the street scene. Furthermore, in this respect the property would be set at a lower level than the adjoining pavement and highway which would reduce the effect of its massing on the street scene.
 14. The proposed front elevation is staggered to provide visual relief and to break up the frontage which would be viewed from the public realm. The two prominent front gables reference those on the adjacent property, No 26 and also the approved scheme at No 28, which also has windows in the gable frontages, as is proposed by the appeal scheme.
 15. The design of the elevations is thoughtfully articulated by gables, recesses, overhanging eaves and projections in order to create visual interest. I consider that the overall design of the property is in keeping with the design of many other older properties in the Conservation Area and takes an appropriate modern approach to complimenting the traditional properties in the area in terms of the proposed palette of materials, form, scale and massing.
 16. Therefore, overall I conclude that that the proposal would not result in harm, but rather would preserve the character and appearance of the Conservation Area and is in accordance with the requirements of Policies BE1 and BE11 of the London Borough of Bromley Unitary Development Plan July 2006, Draft Supplementary Planning Guidance No 1 Design in Bromley July 2003, Supplementary Planning Guidance No 2 Residential Design Guidance July 2003, the Downs Hill SPG, Policies 3.5, 7.4 and 7.8 of the London Plan, the London Housing Supplementary Planning Guidance March 2016 (London Housing SPG) and the Framework. Among other objectives these seek to ensure that the design of development is imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and the wider area and should not detract from the existing street scene. Furthermore, space around buildings should create attractive settings for development and in order to preserve or enhance the character or appearance of Conservation Areas new development should respect the layout, scale, form and materials of existing buildings and include features which contribute to the character, appearance or historic value of the area.

Living Conditions

17. Given the orientation of the proposed house in relation to No 20 I do not consider that the proposal would result in overshadowing or a loss of sunlight. In addition, given the scale and depth of the proposed house I do not consider the loss of daylight would be materially harmful to neighbouring residents.
18. Furthermore, although the proposed dwelling would be bulkier than the original property at No 24, given the limited rearward projection of the proposal in relation to the existing house and the rear elevation of No 20 I do not consider that the development would be overbearing or cause significant harm to the outlook from the main rear facing windows of No 20 which serve habitable rooms. The part of the proposed house closest to No 20 would not project significantly to the rear of the main rear elevation of No 20.
19. However, at my site visit I observed that No 20 has side facing clear glazed windows which are positioned on the side elevation of a rear projecting two storey part of the property. The windows in question face directly towards the appeal site and the side two storey elevation of the proposed house. The rooms served by these side facing windows also have large rear facing windows, but there is nonetheless concern that the proposal would harm the outlook from the dual aspect rooms. Given the main rear-facing aspect of the rooms in question, the separation from the flank wall of the proposed dwelling and the fact that the rear projection of the proposed dwelling is relatively small I do not consider that it would be reasonable to withhold permission for reasons relating to the outlook from No 20.
20. There would be a first floor bedroom window in the rear elevation of the proposed dwelling approximately 2.2 metres from the common boundary with No 20. Three second floor rear facing windows to the rear of the proposed dwelling would serve a bathroom and a landing and a narrow secondary bedroom window. At my site visit I noted that the existing property has rear facing bedroom windows. Taking account of the potential overlooking from the existing windows I do not consider that the proposal would result in significantly greater levels of overlooking than the current arrangement. In addition, the appeal site is situated in a residential area where there is a degree of mutual overlooking between many properties. The degree of overlooking resulting from the proposal before me would be common place in the area and I do not consider that the level of overlooking would be direct or harmful to the levels of privacy currently enjoyed by the occupants of No 20.
21. The proposed rear terrace would project beyond the rear elevation of the proposed dwelling. However, the level of the terrace would be lower than the existing dwelling and considering the landscaped boundary between the properties I do not consider that the terrace would be unduly harmful in terms of the privacy enjoyed by the occupants of No 20.
22. Given the orientation of the properties and the separation between the proposed dwelling and No 26 I do not consider that the proposal would significantly affect the existing terrace to the rear of No 26 in terms of loss of light or overshadowing.
23. I recognise that the proposed dwelling would be visible from existing residential properties. However, as discussed above I do not consider it would be harmful to the living conditions of the occupants of an adjoining residential property

with particular reference to sunlight and overshadowing, daylight, outlook and privacy. As such I do not consider there to be conflict with the London Housing SPG and the Framework which among other objectives seek to ensure that there is no unacceptable harm to the amenity of surrounding land and buildings in terms of overshadowing and privacy.

Conditions

24. The Council has suggested a list of conditions which I have considered, and where necessary amended, in line with national policy and guidance. I have specified the approved plans as this provides certainty. In the interests of the character and appearance of the area I have attached a condition relating to samples of materials and details of the windows.
25. I have attached a condition requiring there to be no additional doors and windows in the flank elevations and a condition requiring the flank elevation windows to be obscure glazed in the interests of protecting the living conditions of the occupants of neighbouring residential properties.
26. In order to ensure that vehicles can park and manoeuvre within the site I have attached a condition requiring the parking and turning space to be completed before the dwelling is occupied. A condition relating to a Construction Management Plan is also required to protect the highway and the amenities of local residents. Finally, in order to ensure satisfactory means of surface water drainage I have imposed a condition relating to the discharge of surface water.
27. I have not imposed a condition removing permitted development rights as I find there no clear justification for doing so. Such a condition should only be used in exceptional circumstances and I do not find any such argument in this case.

Conclusion

28. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal is in accordance with the development plan taken as a whole and that the appeal should be allowed.

Alastair Phillips

INSPECTOR

SCHEDULE

- 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: OS Map, Block Plan Proposed Revision 4, 2717 Revision 1, 2718 Revision 4, 2719 Revision 1, 2720 Revision 1 and 2721.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted 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) Details of the windows (including rooflights) including their materials, method of opening and drawings showing sections shall be submitted to and approved in writing by the local planning authority before any work is commenced. The windows shall be installed in accordance with the approved details.
- 5) The dwelling shall not be occupied until parking spaces and turning spaces have been completed in accordance with a scheme which shall have been submitted to and agreed in writing by the local planning authority. That space shall thereafter be kept available at all times for those purposes.
- 6) No windows or doors additional to those shown on the permitted drawings shall at any time be inserted in the flank elevations of the dwelling hereby permitted, without the prior approval in writing of the local planning authority.
- 7) The dwelling hereby permitted shall not be occupied until the windows in the flank elevations have been fitted with obscured glazing with a minimum Pilkington privacy Level 3 and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the windows shall be permanently retained thereafter.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

END OF SCHEDULE