



Appeal Decision

Site visit made on 14 November 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 11th December 2017

Appeal Ref: APP/G5180/W/17/3180584

Land adjacent to 24 Chesterfield Close, Orpington BR5 3PQ

- 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 Steve Blake against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/01224/FULL1, dated 14 March 2017, was refused by notice dated 13 July 2017.
 - The development proposed is a detached two storey building comprising 4 one bedroom flats with balconies, 5 car parking spaces, vehicular access from Sweeps Lane and refuse store.
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Decision

1. The appeal is allowed and planning permission is granted for a detached two storey building comprising 4 one bedroom flats with balconies, 5 car parking spaces, vehicular access from Sweeps Lane and refuse store at Land adjacent to 24 Chesterfield Close, Orpington BR5 3PQ in accordance with the terms of the application, Ref DC/17/01224/FULL1, dated 14 March 2017, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site occupies a prominent position on the corner of Sweeps Lane and Chesterfield Close. The site is fenced off from Sweeps Lane, it is covered in dense vegetation which has not been maintained. As a result the site appears overgrown and unkempt. This is in contrast to the more spacious and rural style vegetation that runs along the opposite side of the Lane, and does little to enhance the character of the residential properties in Chesterfield Close. The surrounding properties are semi-detached dwellings. There is a dominant hipped roofline which contributes to the relatively consistent design and pattern of the street scene facing towards Chesterfield Close. This is continued along Sweeps Lane to the west, which due to the topography of the area slopes away from the site. However dwellings face onto Sweeps Lane and exhibit similar design elements to those on Chesterfield Close.
4. The front element of the proposal would sit back from the boundary with Sweeps Lane and would be some 12 metres in width. The staggered nature of

the built form would break up the overall scale and mass of the proposal and as a result it would not appear overbearing. The use of the hipped roof would mimic the dominant roofline in the area, and the windows on the front elevation would further break up the mass of the proposal. Soft landscaping would be incorporated to the sides of the frontage, which would create an interesting and inclusive frontage and it would sit comfortably in respect of the surrounding residential dwellings.

5. The staggered element would be partially visible from Sweeps Lane. When viewing the development from the public footpath linking Chesterfield Close to Sweeps Lane, the proposal would continue the build line of No 24 along the public footpath. The projecting element at this point would be no wider than the existing built form along this footpath.
6. Overall I consider that these elements would ensure the proposal would sit comfortably within the context of the neighbouring built form when seen from either the link footpath, or from along Sweeps Lane. The proposal would enhance the frontage along Sweeps Lane. I consider that this continued residential frontage would benefit the character of the area at this point by creating a more inclusive and socially secure environment.
7. A previous scheme for this site was dismissed at appeal in 2016¹. That scheme was significantly different to the proposal before me. With regards to this scheme, the overall bulk and mass of the proposal has been significantly reduced and I have found that it would not harm the character and appearance of the area. In any event I have, as required by law, determined this proposal on the basis of its own merits.
8. Accordingly, drawing all of the above factors together, I find that with regard to the height, scale and siting of the building, and the provision of soft landscaping, the proposal would be compatible with the street scene and surrounding area. As such it would not result in a cramped or overly intrusive form of development. It would therefore comply with Policies BE1 and H7 of the London Borough of Bromley's Unitary Development Plan, 2006 (UDP) with respect to its relationship with the adjacent buildings and area, and H9 of the UDP in respect of space around the building.
9. The Council has an emerging Local Plan. It was submitted for examination in August 2017, and I attach limited weight to the policies referred to by the Council as it is yet to be adopted. However, the proposal would also accord with draft Policies 4, 8 and 37, which reinforce the principles of good design that respects the character of the area and surrounding built form and spacing as currently addressed through the policies in the UDP.

Other Matters

10. With regards to comments from local residents relating to overlooking, noise and disturbance, loss of trees, loss of views, and impact of parking. These matters did not form part of the Council's reasons for refusal and I do not consider them matters that would result in a level of harm that would justify dismissal of the appeal. In respect of concerns raised with regards to land stability, this is a matter that would be dealt with through separate legislation as part of the construction of the development.

¹ APP/G5180/W/16/3152088

11. Whilst I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an overriding issue warranting dismissal of the appeal.

Conditions

12. The Council and the Highways Officer have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance (PPG). I have amended some of them for clarity and elimination of duplication.
13. I have imposed a condition requiring the development to be carried out in accordance with the specified plans for certainty. Conditions to secure a construction management plan, appropriate finishing materials, slab levels, landscaping and boundary treatment, refuse storage, and the restriction of first floor windows on the northern elevation are necessary in the interests of amenity and the character and appearance of the area.
14. Highways conditions, including provision of access, visibility splays, cycle storage, and provision of parking and turning areas are necessary to ensure highway and pedestrian safety.
15. Drainage conditions are necessary to ensure satisfactory means of surface and foul water drainage.
16. Conditions 3, 4, 5, 6 and 7 are pre-commencement conditions which are justified in this case as they cover matters that are essential to be agreed before the development starts.
17. The PPG states that permitted development rights should only be restricted in exceptional circumstances. Taking into account the surrounding roads and residential development, I consider that it important to retain on-site parking and that it is therefore necessary to restrict permitted development rights in the interests of highway safety.

Conclusion

18. For the reasons above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Ayres

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:
Proposed Site and Location Plans and Street Scenes 5156-PD-20 Rev B
Proposed Floor Plans, Section and Elevations 5156-PD-21
Topographical Survey T15004_CHESTER_01.DWG Rev A1
- 3) No development shall take place until samples of all external 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 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until a plan showing the widening of the access and visibility splays has been submitted to and approved in writing by the local planning authority, and the works have been implemented in accordance with the approved plan. The lines of site splays shown on the approved plan shall be kept free of any obstruction exceeding one metre in height above the adjacent carriageway and shall be maintained as such thereafter.
- 6) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, 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.
- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) earthworks showing existing and proposed finished levels or contours;
 - ii) means of enclosure and retaining structures;
 - iii) boundary treatments that are not to exceed 1 metre in height;
 - iv) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 8) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 9) The building shall not be occupied until an area 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.
- 10) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 11) No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 12) 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 garages shall be erected other than those expressly authorised by this permission.
- 13) 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/dormer windows other than those expressly authorised by this permission shall be constructed on the first floor of the north elevation.
- 14) No building hereby permitted shall 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.