
Appeal Decision

Site visit made on 13 February 2018

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2018

Appeal Ref: APP/G5180/W/17/3181396

1 Rushdene Walk, Biggin Hill TN16 3UG

- 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 Dean McQuillan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/02295/FULL1, dated 16 May 2017, was refused by notice dated 12 July 2017.
 - The development proposed is the construction of a single end-of-terrace, one-bedroom dwelling with one car parking space to rear and the provision of a single-storey front extension to the existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single end-of-terrace, one-bedroom dwelling with one car parking space to rear and the provision of a single-storey front extension to the existing dwelling at 1 Rushdene Walk, Biggin Hill TN16 3UG in accordance with the terms of the application, ref DC/17/02295/FULL1, dated 16 May 2017, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this case is the effect of the proposed sub-division of the property on the character and appearance of the area.

Reasons

3. The appeal property is a two storey, end of terrace dwelling with a side garden which flanks Rushdene Walk. The proposed dwelling would, in effect, form an extension to the terrace. Planning permission has been granted for a one/two storey extension to the appeal property¹. The siting, scale and form of that extension are the same as the appeal proposal. Therefore, the effect of the appeal proposal on the spaciousness of the area, its prominence in the street scene and its relationship with existing buildings would be similar to the permitted extension. The Council has found those effects to be acceptable and I see no reason to disagree.
4. That said, there are differences in fenestration between the two schemes. Notably, the appeal proposal would have an external door in the end wall facing Rushdene Walk. This would be a departure from both the permitted extension and the arrangement in most neighbouring dwellings where the main

¹ Application ref: 15/00161/FULL6

entrance is via a porch on the front elevation. The ground and first floor openings in the rear elevation of the appeal proposal would also be slightly different from the permitted extension. However, whilst there is a reasonable degree of consistency in the appearance of the dwellings in the area, there is nothing to suggest that strict uniformity in the pattern of fenestration makes a positive contribution to local distinctiveness.

5. Nevertheless, the proposed fenestration, together with the sub-division of the front and rear gardens would mark out the proposal as a separate dwelling. The Council is concerned that the creation of a separate dwelling would result in an over-intensive use of the site and that the restricted plot size would be out of character with the urban grain of the area. In this respect the Council points to a dismissed appeal for a new end of two bedroom dwelling at the appeal property². Unlike the current appeal proposal, that dwelling would have been set back from the remainder of the terrace by some 1.5m. As a result, the rear garden would have been correspondingly shorter. To my mind, that arrangement contributed to the Inspector's concerns regarding the contrived configuration and cramped layout of that proposal.
6. The Inspector was also concerned regarding the private amenity space and its layout. However, in the current proposal, the retained rear garden area of the host dwelling would be similar in size to others in the area and the rear garden of the proposed dwelling would be somewhat larger. I recognise that some of the area in the proposed garden would be taken up by parking spaces. However, there is no substantive evidence to suggest that the size of the remaining space would be insufficient to meet the needs of future occupiers. Nor has it been shown that the internal size of the proposed dwelling would be deficient. Moreover, the Council accepts that the proposal would accord with the density range for suburban settings outlined in Policy 3.4 and Table 3.2 of the London Plan 2015. As such, I consider that the current proposal would not lead to an over-intensive use of the site or a harmful tightening of the urban grain of the area.
7. It is also relevant that the London Plan policy, which seeks to optimise housing output taking into account local context and character, post-dates the previous appeal. I am also mindful that the same is true of the National Planning Policy Framework wherein paragraph 47 seeks to significantly boost the supply of housing. Having regard to these matters, I find that the circumstances of the current proposal can be distinguished from those of the previous appeal decision.
8. As such, I conclude that the proposed sub-division of the property would not have a harmful effect on the character and appearance of the area. Consequently, the proposal would accord with Policies BE1 and H7 of the Council's Unitary Development Plan 2006. Amongst other things, these policies require proposals to be of a high standard of design which complements the scale, form and layout of adjacent buildings and areas and does not detract from the street scene.

Conditions

9. The Council has suggested a list of ten conditions. Suggested condition 04 requires further details of external materials to be approved. However, since

² Appeal ref: APP/G5180/A/10/2131066

the application plans specify that external materials shall match those of the existing building, such a condition is not necessary. With amendments for clarity and precision, I find that the remaining conditions meet the tests set out in the Planning Practice Guidance.

10. A condition specifying the approved drawings is necessary in the interests of certainty. Conditions to secure details and implementation of a landscaping scheme and boundary enclosures are necessary to safeguard the character and appearance of the area. Exceptionally, in view of the prominence of the proposed dwelling in the street scene, a condition withdrawing permitted development rights for extensions, roof alterations and curtilage buildings is required for the same reason. A condition to secure the details of refuse and recycling storage arrangements is also required for this reason and to protect the living conditions of future occupiers.
11. A condition to secure a surface water drainage scheme is required in order to avoid flood risk. Conditions controlling the details and implementation of the parking spaces and a Construction Management Plan are necessary in the interests of highway safety. However, I have omitted the reference to turning areas in the parking condition since no such area is proposed. I have also omitted the words 'but shall not be limited to these' in the Construction Management Plan condition since they lack precision.

Conclusion

12. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR

Schedule of conditions attached to Appeal Ref: APP/G5180/W/17/3181396 1 Rushdene Walk, Biggin Hill TN16 3UG

- 1) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
- 2) The development hereby permitted shall be carried out in accordance with approved drawing numbers 2990/1, 2990/2, 2990/3, 2990/4, 2990/5, 2990/6 and Proposed Block Plan.
- 3) Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the proposed dwelling. 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 to those originally planted.
- 4) Before the development hereby permitted is first occupied details of boundary enclosures including gates to the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The boundary enclosures

shall be erected in accordance with the approved details prior to the first occupation of the development and shall be permanently retained thereafter.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage of the dwelling hereby permitted.
- 6) 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 first occupied. The approved arrangements shall be completed before any part of the development permitted is first occupied, and permanently retained thereafter.
- 7) Details of a surface water drainage system (including storage facilities 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 system shall be completed before any part of the development permitted is first occupied, and permanently retained thereafter.
- 8) Before any work is commenced details of parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be laid out before the first occupation of the development and shall thereafter be kept available for such use.
- 9) Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.