
Appeal Decisions

Site visit made on 13 February 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2018

Appeal A: APP/G5180/W/17/3180344 **69 Broomhill Road, Orpington BR6 0EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rafael Porzycki (c/o Aventier Ltd) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00618/OUT, dated 10 February 2018, was refused by notice dated 28 April 2017.
 - The development proposed is demolition of 2 storey residential dwelling and erection of 2 storey 7 x 2 bedroom block of apartments with associated access, 7 parking spaces, refuse store and cycle storage.
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Appeal B: APP/G5180/W/17/3180346 **69 Broomhill Road, Orpington BR6 0EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rafael Porzycki (c/o Aventier Ltd) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00616/OUT, dated 10 February 2018, was refused by notice dated 28 April 2017.
 - The development proposed is demolition of 2 storey residential dwelling and erection of 3 storey 6 x 2 bedroom block of apartments with associated access, 6 parking spaces, refuse store and cycle storage.
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Decisions

Appeal A: APP/G5180/W/17/3180344

1. The appeal is dismissed.

Appeal B: APP/G5180/W/17/3180346

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are two appeals on this site. The main differences between the two schemes relate to a reduction in the number of units from 7 to 6 in Appeal B and subsequent revisions to layout and scale. Whilst I have considered each proposal on its own merits in order to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

4. Both applications were made in outline form and sought approval for access, scale and layout. Landscaping and appearance were reserved for future consideration. Consequently and although the plans are not marked as indicative, I have determined the appeal on the basis that the plans are indicative in terms of the appearance and landscaping.

Main Issues

5. The Council's reasons for refusal of both applications are identical. Consequently, the main issues in both Appeals A and B are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy, outlook, noise and general disturbance.
 - Highway safety.

Reasons

The appeal site and surroundings

6. The appeal site is formed by a 2 storey detached residential property sat within an elevated position fronting onto Broomhill Common. To the rear and accessed from Irene Road is an existing hardstanding that accommodates vehicle parking for the property, a garage and the rear garden.
7. The surrounding area is predominantly residential in character with the exception of Broomhill Common Conservation Area, an area of public space directly opposite the appeal site. Although there is some variety in building sizes and appearance, the detached dwellings along this side of Broomhill Road are set back from the highway and within spacious plots. The appeal site contains gaps between the existing dwelling and its side boundaries that positively contribute to the character and appearance of the area and this part of the streetscene.

Character and appearance

8. The proposals in both Appeals A and B would result in buildings that would occupy nearly the full width of the site and would be noticeably larger in their depth and scale than the existing building. Although the buildings would not extend beyond the existing building line of No. 67A to the front, they would project substantially further forward than the existing dwelling and No. 71. Both proposals would be highly conspicuous from the surrounding streets of Chislehurst Road, Broomhill Road and Irene Road to the rear.
9. In such an elevated position the combination of the substantial encroachment into the existing open front garden area, the proximity of the buildings to the side boundaries and their overall scale and mass, would result in forms of development that would appear unduly dominant and overly prominent on the site and within the streetscene.
10. In particular, the use of such large expanses of crown roof forms in both appeal schemes is indicative of an overly large depth, the appearance of which would sit in stark contrast to the more traditional roof forms of surrounding dwellings. The flank elevations would contain little visual relief and this would be

particularly evident from the junction of Broomhill Road with Chislehurst Road. Regardless of how the external elevations are treated, the proposals in both appeals would be at odds with the character and appearance of the appeal site and area and detrimental to the visual interests of their surroundings. In such a context they would not represent a high quality design.

11. I have considered whether additional and existing landscaping could mitigate this but any more trees would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that existing landscaping would fully mitigate the visual effects.
12. In reaching this view I have also had regard to other development within the vicinity brought to my attention by the appellant¹. However, I do not consider these are directly comparable to the scheme before me as they are seen in a subtly different context, are of a lesser scale and depth and are not as visually dominant as the proposals before me would be. In any event, each case is determined on its own merits and based on site specific circumstances and considerations. Consequently, they do not alter my views in relation to this issue.
13. For these reasons, the proposals in both appeals would cause significant harm to the character and appearance of the area. Both proposals would conflict with Policy BE1 of the London Borough of Bromley Unitary Development Plan 2006 ('UDP') and Policies 3.5, 7.4 and 7.6 of the London Plan which, amongst other things seek to ensure new housing development is of a high quality design that enhances the quality of local places and respects local character.
14. These policies are consistent with the National Planning Policy Framework ('the Framework') which emphasises that good design is indivisible from good planning and should contribute positively to making better places for people. Although the Framework indicates at Paragraph 60 that planning decisions should not attempt to impose architectural styles or particular tastes, it is nevertheless clear at Paragraph 58 that planning decisions should aim to ensure that developments respond to local character. The proposals would also conflict with the design objectives of the Framework.

Living conditions

15. I accept that given the layout and siting of the existing properties there is currently some minimal overlooking from the upper storeys of the dwelling into the rear private gardens of neighbouring properties. However, the inclusion of the enclosed terrace areas at first floor level in Appeal A would result in future occupants being able to overlook the rear gardens of neighbouring properties and this would result in a greater loss of privacy. This has been partially addressed in Appeal B and as such there would be no harmful loss of privacy in that scheme.
16. Furthermore, the overall increases in the depth, scale and mass of the building in such proximity to the side boundaries would result in harm to the outlook of neighbouring properties by being overbearing². In particular, the proposals would be overbearing from the rear elevation, patio and garden area of No. 67A and the front elevation and rear garden of No. 71.

¹ 63, 65 and 65a and 67 Broomhill Road,

² Although not referred to in the reason for refusal, outlook is referred to as an objection to the scheme in the Council's officer report and statement.

17. Furthermore, the introduction of a parking area for 7 or 6 vehicles would result in a level of comings and goings that would be far greater than the existing residential use and its smaller parking area. To my mind, this would cause some harm in terms of noise and disturbance from engine noise and vibrations from vehicles manoeuvring in and out of the spaces and the opening and closing of vehicle doors.
18. For these reasons, the proposals within both schemes would cause harm to the living conditions of neighbouring occupiers in terms of outlook, noise and general disturbance. The proposal in Appeal A would also cause harm to the living conditions of the occupiers of No. 71 in terms of privacy. Accordingly, they would conflict with Policy BE1 of the UDP insofar as it requires the amenities of occupiers of neighbouring buildings to be respected and ensure their environment is not harmed by noise.

Highway safety

19. The appeal site has a moderate PTAL³ rating and it is close to services within Orpington Town Centre. Seven spaces are proposed in Appeal A and 6 in Appeal B. In both appeals this would be in accordance with the Council's adopted standards. I am not persuaded that simply because future occupants would have to exit the site directly onto Broomhill Road that this would cause conflicts between pedestrians, vehicles and other road users which would harm highway safety.
20. On-street parking restrictions were in place on surrounding roads which seek to prevent all day commuter parking. However, the likely number of associated visitors and those occupants who may own a second vehicle would be low. Although surrounding streets were heavily parked there is no evidence before me of any particular highway safety issues associated with on-street parking in this locality. From my observations, albeit during the morning, some spaces were available and I am not persuaded that any modest increase in potential on-street parking as a result of the proposals would cause harm to highway safety.
21. For these reasons, the proposals would not harm highway safety. Accordingly, there would be no conflict with Policies T3 and T18 of the UDP which seeks to ensure that road safety is not adversely affected and that appropriate parking is provided in new developments.

Other Matters

22. The appellant has referred me to the presumption in favour of sustainable development set out within Paragraph 14 of the Framework. However, the proposal would not accord with an up to date development plan which is not absent, nor is it silent and on the evidence before me there are no relevant policies that are out of date. As such, it would not be the sustainable development for which local and national planning policy indicates a presumption in favour.

Conclusion

23. For the reasons set out above, although I have not found harm to highway safety the proposals in both Appeals A and B would cause significant harm to

³ Public Transport Accessibility Level.

the character and appearance of the area and harm to the living conditions of neighbouring occupiers.

24. In my view, these are the prevailing considerations and although there would be compliance with some aspects of the development plan the harm is such that the proposals in both Appeals A and B would conflict with the development plan, when read as whole. The conflicts would not be outweighed by the social and economic benefits of 7 or 6 dwellings and the more efficient use of land in an accessible location.
25. Material considerations, including the Framework do not indicate that decisions in either appeal should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that Appeal A and Appeal B should be dismissed.

Richard Aston

INSPECTOR