



Appeal Decision

Site visit made on 8 July 2019

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 18 July 2019

Appeal Ref: APP/G5180/W/19/3226895

5 Gleeson Drive, Orpington, BR6 9LJ

- 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 Ms Veronica Lowe against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05029/FULL1, dated 9 October 2018, was refused by notice dated 24 January 2019.
 - The development proposed is the creation of a two storey dwelling house within curtilage of property.
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Preliminary matters

1. The appellant has submitted amended plans with the appeal showing revisions to the proposed house, which seek to address certain aspects of the Council's refusal of planning permission. These represent material changes to the scheme that was considered by the Council and upon which consultation with third parties was undertaken. I have therefore not accepted these amendments as to do so would be prejudicial to the interests of the Council and those third parties. Thus, the appeal has been determined on the basis of the plans submitted to, and refused by, the Council.

Decision

2. The appeal is dismissed.

Main issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of adjoining occupiers with particular reference to outlook, light and privacy;
 - the character and appearance of the surrounding area.

Reasons

Effect on living conditions

4. The proposed dwelling would be sited at the end of the garden to 5 Gleeson Drive, following demolition of an existing outbuilding. The garden rises to the east as it adjoins the boundary with Cloonmore Avenue. The height and very close proximity of the new house to the northern boundary would create an over-dominant impression from the garden of 4 Gleeson Drive to the north.
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5. The change in ground levels would exacerbate this looming presence of the tall building, placed so close to the boundary. I could appreciate at my site visit this would cause significant harm to the living conditions of the adjoining occupier by virtue of the change in outlook from both their garden and in their house.
6. From my observations on site, and having regard to the submitted information, I consider the siting of the proposed house to the south of the garden to 4 Gleeson Drive would also lead to a material loss of light to that garden. This would represent further harm to living conditions.
7. The siting, height and design of the proposed house would lead to overlooking of the garden to No. 4 from the first floor bedroom window, and I saw at my site visit would also be close enough to enable views into the rear windows of No. 4. In my judgement the proximity of the proposed house to the boundary is likely to lead to the removal of much existing intervening vegetation; either for construction, or in the future due to pressure from future occupants arising from the close proximity to the house. But, in any event, even if vegetation was retained it would not be sufficient to provide screening to prevent the degree of overlooking that would occur.
8. On the first main issue it is therefore concluded that the proposed development would be harmful to the living conditions of adjoining occupiers, and so conflict with Policies 3 and 37 of the Bromley Local Plan 2019 which, amongst other matters, seek to ensure all development proposals respects the amenity of neighbouring occupiers.

Effect on character and appearance

9. The National Planning Policy Framework seeks to make the effective use of land for housing, including 'brownfield' land. Policy 3 of the Local Plan allows for residential development on 'backland' or garden land if four criteria are satisfied. The proposed development would see the erection of a dwelling at the end of the garden where there is a frontage to Cloonmore Avenue, and so represent the more efficient use of this land for housing
10. However, I share the Council's concerns that the scale and design of the proposed house are inappropriate. The dwelling would appear as a large two storey house on a plot that – for the size of the house – is notably smaller than that prevalent in the area. The design of the house is somewhat incoherent, as it appears mostly to derive from the constraints of the site itself and an attempt to minimise effects on neighbours, ie through the provision of large areas of blank elevations and stepped-down elements in the massing alongside boundaries. Thus, there is no obvious cue from the surrounding area in the design, yet it does not present any particularly distinctive quality that might represent innovative design.
11. The proposed dwelling would therefore appear cramped on its plot due to the size, bulk and siting of the building. This would be harmful to the character and appearance of the area, and the design of the house would compound this harm. Thus, conflict occurs with Policies 3, 4, 8 and 37 of the Local Plan, Policy 3.5 of the London Plan (2016) and the Framework, whose objectives include seeking a high standard of design in all development proposals.

Other considerations

12. The amenity space to the proposed dwelling would be partly to the side and front of the house. As both areas of this garden space would be enclosed by fencing I consider that layout would provide a useable area of space; the Council have acknowledged that in terms of area it would be sufficient.
13. In my judgement from the plans, the rooflight serving bedroom 3 would be sufficient to provide light and ventilation for that room.

Conclusions

14. I acknowledge that the development plan and the Framework seek to make the most efficient use of land for housing. However, I must determine this appeal on its own merits and with regards to other matters of acknowledged importance. There is conflict with the development plan with regards to the main issues and this clearly outweighs the benefits of providing new housing. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR