



Appeal Decision

Site visit made on 26 June 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/G5180/W/19/3220856

2 Oak Grove Road, Penge, London SE20 7RQ

- 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 Anthony Montague against the decision of the Council of the London Borough of Bromley.
 - The application Ref 18/03623/FULL1, dated 9 August 2018, was refused by notice dated 26 October 2018.
 - The development proposed is demolition of existing 2-bedroom chalet bungalow, construction of 1no. pair of semi-detached 4-bedroom houses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of further details by the appellant after the determination of the application, the Council no longer wishes to pursue the third reason for refusal of the application ref: 18/03623/FULL1. Having considered these matters, I am satisfied that the Council's concerns relating to sustainable design and climate change have been addressed. As a result, I acknowledge that the Council's reason for refusal relating to this has been withdrawn. Accordingly, I have determined this appeal in the context of these circumstances.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of future occupiers with regard to private outdoor amenity space.

Reasons

Character and appearance

4. The appeal relates to a compact site currently accommodating a bungalow with a modest pyramid hipped roof. This limits the mass and bulk of the building within the plot and wider context of the local area. Furthermore, it ensures that the existing building has a significant separation from the site boundaries, providing a more spacious relationship between nearby buildings and within the street scene.
5. The two proposed dwellings would span the full width of the site. With certain exceptions, such as 6 Oak Grove Road, this is a characteristic of mid-terrace properties rather than end-of-terrace, semi-detached or detached properties.

Indeed, it is noted that such types of properties usually retain some space between at least one of their side elevations and the site boundary. As a result, these arrangements create a higher spatial standard within the locality and street scene. From the evidence, I find that this would not be achieved by the proposed scheme.

6. The proposed dwellings would be two-storeys and would have gable-ended roofs which would substantively and visibly reduce and enclose the existing space within the site and around the bungalow. As such, in my view, this increase in the bulk and size of the built form on the site, as proposed, would have a detrimental impact on the spacious character of this part of Oak Grove Road.
7. The appellant argues that the proposed two-storey design with rear outriggers is established within the area and that this is reflected by the properties on Oak Grove Road to the south east of the site. Nonetheless, those existing properties, regardless of whether or not they have outriggers, do not completely fill the full depth of their plots as the proposed dwellings would. Therefore, I take the view that the proposed scheme would result in an unacceptable over development of the site which would create a cramped form of development for each new dwelling on their respective plot. Such a development would be out of keeping with nearby properties and the more spacious pattern of development in relation to their plots. As such, the proposed houses would be at odds with their surroundings and also harmful to the prevailing character and pattern of development in the local area.
8. I note the appellant's point that the adjoining gardens of properties on Croydon Road to the north of the site would provide visual separation between buildings at the rear of the site. I have also considered the view that this would have a similar spacious effect as the longer plots of the nearby properties on Oak Grove Road to the south east and opposite the site. Notwithstanding this, I find that the proposal should not be reliant on land outside of the proposed site and not in the appellant's control to ensure its acceptability as its future use cannot be assured.
9. The proposed scheme would provide the opportunity to improve landscaping and enhance the appearance of the site along its street frontage. It would also likely visually enhance the street scene and local area close to the junction of Croydon Road and Oak Grove Road. However, whilst I appreciate that this would be a positive aspect of the scheme, I find that this would not result in any measure which otherwise could not be achieved without development.
10. Taking the above into account, I find that the proposed development would create two semi-detached dwellings with a similar appearance to existing properties on Oak Grove Road, particularly to the south east of the site. As such, the proposal would be in keeping with that element of the general character and appearance of the area. Notwithstanding this, the character and appearance of the local area is mixed with differing styles of properties and layouts evident. Therefore, given the position of the site, I find that although the proposed dwellings would appear similar to properties to the south east, their increased bulk and scale on the site would be detrimental to the spacious character of the street in the area close to the junction with Croydon Road. As a result, I consider that for these reasons, the dwellings would erode that spaciousness and be harmful to their surroundings.
11. Consequently, I conclude that the proposed development would have a significant adverse effect on the character and appearance of its immediate surroundings and wider street scene. As a result, it would be contrary to Policies H9 and BE1 of the Bromley Unitary Development Plan 2016 (the UDP). Amongst other matters, these policies seek to ensure that development does not substantively adversely affect the character or appearance of its surrounding area.

Private outdoor amenity space

12. The appellant has set out how, in their view, the proposed scheme meets the criteria of Policy BE1 of the UDP. Furthermore, I note that it is agreed by both parties that Policy BE1 does not conflict with the relevant sections of the revised National Planning Policy Framework 2018 (the Framework). In light of this, I note in particular criterion (v) of Policy BE1 which states that development should respect the amenity of neighbouring occupiers and future occupants in addition to ensuring that their environments are not harmed by such impacts as noise and disturbance, inadequate daylight, sunlight or privacy or by overshadowing.
13. The Council argues that due to the excessive coverage of building proposed on the site, the proposed development would be extremely cramped and as a result, it would create confined private outdoor amenity space for the new dwellings. Furthermore, it states that the amount of private outdoor amenity space indicated would be unsatisfactory relative to the household sizes of the new dwellings.
14. The appellant states that whilst the proposed properties would likely be used by families, the outdoor space proposed would be wholly appropriate. The spaces to the rear would be accessible from the main living areas of each property and would be enclosed and private from public view. Furthermore, it is argued that the Council's point regarding the proposed space not being large enough for families is unreasonable as it is accepted that the space would meet the quantitative standard set out in the relevant London Plan guidance. The appellant also states it to be unreasonable for the Council to pursue such a concern as there are public parks near to the site.
15. From the evidence, the private outdoor amenity space within the proposed scheme would meet, and exceed, the quantitative standard set out in the Mayor of London's Housing Supplementary Planning Document (SPD) as referenced in relevant policies of the London Plan. However, I find this to be only one consideration when assessing the suitability and appropriateness of such space in this case. Based on what I have seen, it is evident to me that the extent, layout and usability of the proposed space should also be considered in the context of the potential future occupancy needs of the two four-bedroom houses proposed.
16. The two houses would be suitable for families who would reasonably expect to have suitable high quality private outdoor space. However, the proposal would divide the existing site into two compact plots. As a result, each property would have private outdoor space consisting of a small courtyard area to the rear. These would be accessible from the rear of the dwellings but would not be appropriate, suitable or particularly usable private outdoor spaces. The smaller of the two spaces proposed would have a width of only around 1.9 metres at its narrowest point and the spaces would be surrounded on two sides by two-storey buildings comprising the rear elevation of the dwellings and the rear outriggers.
17. Whilst these spaces would be private and would principally only be overlooked by the occupiers of the proposed properties, I find that they would create an unacceptable sense of enclosure, particularly in the case of the northernmost dwelling. The shape and location of these spaces would not be sufficiently proportionate to the size of the two proposed dwellings. They would be very narrow and, in my view, would fail to provide any reasonable or usable private outdoor amenity space for future occupiers, and children in particular.
18. In terms of the space proposed at the front of the properties, it is possible that these areas would have the potential to be used as private spaces. However, by doing so and in enclosing the space to achieve privacy, I find that this would not

only be harmful to the character and appearance of the wider street scene but would result in an unsatisfactory private space adjacent to the public highway. From what I have seen, no other properties nearby have done this. I find it more likely that these spaces would be used for access to the proposed houses from the street and to store waste and recycling bins or cycles. As such, the private amenity value of those spaces for future occupiers would be limited. Moreover, nearby parks such as Betts Park and Winsford Gardens offer large areas of open space. However, the route from the site to Betts Park involves crossing the busy Croydon Road and neither area would provide any private outdoor space.

19. Having carefully considered the relevant matters, I find that whilst the proposed space would meet quantitative standards set out in the SPD, it would not be laid out in a particularly usable way. Therefore, the limitations of the proposed space would result in it being unsatisfactory and harmful to the amenity of future occupiers and it would not meet reasonable expectations in terms of high quality private outdoor space for family-sized households.
20. Consequently, I conclude that the proposed development would have a significant detrimental effect on the living conditions of future occupiers in terms of private outdoor space. It would therefore be contrary to Policy BE1 of the UDP. Amongst other things, this policy states that development should respect the amenity of future occupants as well as ensuring their environments are not harmed by other impacts such as noise and disturbance, privacy or inadequate daylight or sunlight.

Other considerations

21. Other appeal and application decisions have been referred to by the Council in support of its case. As such, I have had due regard to these as material considerations. However, in doing so, I do not have full details of these other schemes before me. Therefore, whilst I have taken the relevant points made into account, I have given only limited weight to these other schemes and decisions in my assessment of the appeal proposal. Notwithstanding this, and in any event, each proposal must be assessed and determined on its own individual merits and circumstances and I can confirm that this is the case with this appeal.
22. I also note that the appellant has referred to the need for new housing in the local area and makes the point that the proposal would provide two new family-sized houses on a brownfield site which, in their view, is supported by national and local planning policy and guidance. Accordingly, I have taken these matters into consideration and appreciate that the proposal would make a small contribution to meeting local housing needs. However, the proposed scheme is to be assessed primarily against the relevant policies of the development plan and other material considerations. As such, in undertaking my assessment in this way, I give the identified benefits moderate weight.

Conclusion

23. The proposed scheme would create two new dwellings on a brownfield site close to local services and facilities and the dwellings would have a similar appearance to nearby properties along Oak Grove Road. Furthermore, it is noted that the proposal would make a small contribution to meeting local housing needs. Nonetheless, in my view, the proposal would not deliver housing that would reflect or respond positively to the pattern of development of the area in terms of plot coverage and the spacious character of its immediate surroundings. Furthermore, the bulk and scale of the proposed dwellings in that location within the street scene would also be at odds with the open character of the area around the junction

between Oak Grove Road and Croydon Road. The proposal would also not provide reasonable, suitable and usable private outdoor amenity space for future occupiers.

24. Taking account of all matters and considerations raised above, I conclude that the benefits of the proposal would be outweighed by the significant harm identified. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR