
Appeal Decision

Site visit made on 2 July 2019

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/G5180/W/18/3218860

Timberley, Westbury Road, Bromley BR1 2QB

- 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 Abubaid Irfan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04690/FULL1, dated 15 October 2018, was refused by notice dated 10 December 2018.
 - The development proposed is demolition of existing dwelling and erection of a detached two storey six bedroom dwelling with accommodation in roofspace.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of a detached two storey six bedroom dwelling with accommodation in roofspace at Timberley, Westbury Road, Bromley BR1 2QB. The permission is granted in accordance with the terms of the application Ref DC/18/04690/FULL1, dated 15 October 2018, subject to the conditions included in the Schedule at Annex A.

Preliminary Matters

2. The Bromley Local Plan was adopted in January 2019, after the appeal was made, and the policies in this plan replace those in the Unitary Development Plan (UDP). Accordingly, for the purposes of this appeal I have had regard to the policies referred to from the new Local Plan instead of those from the UDP.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons

4. Timberley is a detached two storey dwelling in a residential road of detached properties of largely individual design and appearance. Both main parties refer to an earlier, unsuccessful appeal for a similar type of replacement dwelling to the appeal property¹. Given the relevance of this recent decision to the current appeal, I have had regard to it and refer to it where appropriate.

¹ APP/G5180/W/18/3200744 dated 20 August 2018.

5. The existing dwelling is of traditional design and appearance with elements with varying roof heights; the main part of the dwelling has a relatively high roof ridge in the street scene accentuated by the upward incline of Westbury Road from south to north. The Council's principal concern is the proposed dwelling's relationship with 'Napoli', the neighbouring dwelling to the south. The catslide roof to this side of Timberley currently provides a good degree of separation between the neighbouring properties.
6. The proposed replacement dwelling would be on a broadly similar front building line to the current dwelling, but of greater depth. It would include less variety in roof heights with a rectangular plan form and pitched roof of uniform height across the two storey part of the building, as well as a central gable projecting beyond the front elevation.
7. I note that the sideways extent and height of the roof profile has been reduced from that proposed in the earlier appeal. The roof ridge height is now effectively the same as that of the main part of the existing dwelling, while the extent of the sideways projection of the roof is greater than that of the current dwelling, but less than previously proposed. While this and the higher eaves would add some bulk and mass to the side of the building it would retain a clear separation with the neighbouring dwelling. The gap that would be retained would not be uncharacteristic of the relationship between dwellings along Westbury Road.
8. While the dwelling's profile in the street scene would be relatively prominent due to its position on the higher ground at the northern end of the road, the overall scale of the building would not be dissimilar to many of the detached buildings in the road; and would be less substantive than the larger neighbouring dwelling, 'Chimneys', to the north. As such, it would not represent an incongruous or uncharacteristic change in the street scene. Moreover, the design changes that have been made represent an effective response to the concerns raised in the earlier appeal and reflect a clear distinction between the two forms of dwelling in that case and the current appeal.
9. I note the Council's observation that the representation of the new dwelling in the street scene on drawing number 102 Revision D is marked as indicative. However, this is not the case with regard to other representations, including in relation to neighbouring dwellings, on this and other drawings. As such, there is sufficient clarity about the form of the development proposed, which would need to be built in adherence to the submitted details.
10. Therefore, for the above reasons, I conclude that the proposed replacement dwelling would not have a harmful effect on the character and appearance of the street scene. Consequently, it is not contrary to Policy 4 of the Bromley Local Plan, which concerns housing design, or to Local Plan Policy 37 concerning general design principles, both of which include the requirement for high quality design that recognises as well as complements the qualities of the surrounding area. These policies are consistent with the National Planning Policy Framework (the Framework).

Other Matters

11. Given the above conclusion in the appellant's favour with regard to the main issue, it is not necessary to consider the matters raised by the appellant about housing supply. I have had regard to a number of other matters raised by interested parties both in support of and opposing the proposed development. The new dwelling would be of greater depth than the existing dwelling and, as such, would extend to a point around halfway across the width of the rear garden boundary of No 26A Sundridge Avenue.
12. I acknowledge the concerns expressed by the neighbouring occupier of this property, given that this will introduce built development in a position where none currently exists. However, the new dwelling has been designed so that the nearest two storey element will be set well away from the boundary, with the nearest part being single storey with a flat roof. This will reduce any sense of the rear part of the dwelling being overbearing in views from the neighbouring garden. Moreover, the landscaping condition suggested by the Council provides the opportunity for planting to this boundary to help mitigate and soften views of the rear part of the dwelling.
13. While the side elevation nearest the boundary includes a window, this is at ground floor level and any potential overlooking would be prevented by the intervening boundary fence and additional planting. There are no windows proposed in the upper floor elevations facing the neighbouring property that would enable overlooking and so a loss of privacy. Therefore, while I have had regard to these representations, for the reasons given they do not lead me to reach a different overall conclusion.

Conditions

14. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a landscaping condition is necessary in the interests of the character and appearance of the area, and to protect neighbouring amenity, as noted above. For the same reasons, a condition requiring refuse disposal storage to be provided before first occupation is necessary.
15. A condition is required for approval of external materials to ensure the new dwelling is visually compatible with its surroundings; and garage, parking and turning areas should be provided before first occupation to avoid unnecessary on-street parking to the detriment of other road users. I agree that it is also necessary to approve slab levels to ensure that these will result in an appropriate form of development that complies fully with the submitted details.
16. Given that this case involves a single replacement dwelling in an area at no apparent risk of flooding there is no justification for a condition requiring details of surface water disposal to be approved before development commences. The Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so (paragraph 53). In this case, based on the appeal findings and reason for the suggested condition, insufficient justification exists for its imposition.

Conclusion

17. For the reasons given above it is concluded that the appeal should succeed.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Revision D (location plan), 101 Revision D (floor plans) and 102 Revision D (elevations).
- 3) Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- i) a scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;
- ii) proposed hardstanding and boundary treatment; and
- iii) a schedule detailing sizes and numbers of all proposed trees/plants.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

- 4) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 5) Before occupation of the dwelling hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.
- 6) The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the drawings hereby approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 7) Prior to commencement of above ground works, details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.

[End of Schedule]