



Appeal Decision

Site visit made on 15 July 2019

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/G5180/W/19/3225932

1 Marlowe Close, Chislehurst, BR7 6ND

- 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 John Travers against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04550/FULL1, dated 25 June 2018, was refused by notice dated 8 February 2019.
 - The development proposed is the partial demolition of an existing garage and the erection of a two-bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed house on:
 - The character and appearance of the Chislehurst Conservation Area, and
 - The living conditions of the occupiers of No 2 Marlowe Close by way of privacy and outlook.

Reasons

3. The appeal property is a wide-fronted detached house situated within a large corner plot at the junction of Marlowe Close with Kemnal Road. There is a detached garage at the rear of the long back garden, with vehicular access from Kemnal Road. There is further car parking provision at the front of the plot, with access from Marlowe Close. There are mature trees to the rear of the plot and along the side boundary with Kemnal Road.
4. The proposed development would involve the demolition of the front element of the long rear garage, leaving the rear portion, which would be attached to a new two-storey house. The house and garage would occupy a small plot at the rear of the current back garden of the appeal property. There would be parking for two cars – one in the garage and one on the driveway – and a further hard-standing to the front of the house. There would be small amenity area to the front and side of the proposed house, with bin-storage facilities to the front and cycle storage at the rear of the house. The development would entail the removal of one large Norway Maple tree on the Kemnal Road boundary, and three smaller trees adjacent to the current driveway. Two other trees would have crowns raised.

Character and appearance

5. Kemnal Road lies within the Chislehurst Conservation Area (CA). The CA character appraisal, which divides the area into a number of sub areas, notes with regard to the Kemnal Road area that the road retains the character of a rural lane through dense woodland, with large individually developed dwellings on generous plots scattered sparingly amongst the trees, often not visible from the road, and occasional driveways or lodges hinting at spacious houses and estates beyond. It also notes that this character is essentially intact on the eastern side of the road, on which side is located the appeal property.
6. The CA appraisal continues by noting that Kemnal Road has a distinctive character as a spacious wooded pocket of residences, which forms a gentle transition between the denser urban forms to its west and the rural lands to its east. It states that "Retention of this character would make an important contribution to the Conservation Area, illustrating a remnant of a form of development which was previously found along other roads leading into woodland around the Conservation Area, but which has largely been eclipsed elsewhere by intensification of settlement".
7. Paragraphs 4.12 – 4.21 of the character appraisal establish certain principles of design and layout for development in the CA. In particular it indicates that insertion of new structures within plots that are already developed will generally require constraint in scale and careful positioning to ensure that they do not detract from the established character and appearance of the area. Moreover, spaces around and between buildings are often an important part of the character and appearance of an area. Consequently, where areas or buildings are characterized by open settings, wooded grounds or large gardens, the introduction of additional substantial buildings may not be appropriate. New development should result in a positive contribution to the CA, both in its own right, and as an element in the urban form. As well as buildings, this also applies to consequential spaces and to the relationships between buildings.
8. In this case, the appeal property forms part of a row of detached houses in long plots within a cul-de-sac on the eastern side of Kemnal Road. Whilst of relatively recent origin, the gardens to these properties now have mature landscaping in and around them, which complement the generally open and wooded character of the older parts of the Road. The proposal would result in the introduction of a substantial new house into what is currently a large garden in an open setting. The long back garden would be effectively split in two and the curtilage of the new house would be uncharacteristically very small. Furthermore, it would leave what would be, in the context of the surrounding area, a relatively small rear garden for the host property.
9. The appellant contends that the scale of the proposed house would be commensurate with the size of the plot, and would respect the scale of lodge houses associated with larger properties in the area. The Council agrees that the size and design of the proposed house would retain the spacious character of Kemnal Road. This may be so, although I find that the small size of the proposed plot would lead to a cramped form of development, uncharacteristic of the general openness of plots in the area. I note the example of Westerland Lodge and Coach House on the western side of the road, close to the appeal site, but this appears to be the only example of its type in the vicinity, and this property has clearly been in existence for a considerable period of time.

10. The surrounding properties on Marlowe Close to the east and Telson Lodge to the north are large detached dwellings, within substantial plots. The proposed house would be a small detached house in a very small plot. I accept that the house would meet the required internal space standards for such a property, and that the associated external amenity space would exceed minimum standards set out in the London Plan. However, the external amenity space would be very limited in terms of usability, with a very narrow strip between the house and the southern boundary, and a small area to the west which would include a hard-standing and bin store. In addition, I consider the proposed siting of the cycle store to be in an inconvenient location, and whilst there would be room elsewhere within the plot for such a store, it would be likely to occupy some of the already limited external amenity space.
11. Finally, I note that the proposal would entail the loss of 4 trees, one of which is a significant mature Maple. There would appear to be no issues with regard to the fact that these trees have only a fair structural condition and are categorised as of "C" grade quality, although the Maple contributes to the "wooded" character of the CA. The proposal indicates that the trees would be replaced by a hedge and two trees within the small front garden. However, I have some concerns that, given the very small scale of the proposed new residential plot and the proximity of the replacement trees to the front elevation of the house, this would mean that these trees would, of necessity, be relatively small and would not be adequate replacements in visual terms for the Maple that would be lost.
12. In conclusion on this issue, I find that the proposal would result in a development that would be cramped on its plot and would be harmful to the otherwise spacious and open character and appearance of the CA. It would, therefore, fail to preserve or enhance that character and appearance. On this basis it would also conflict with Policies 4, 37 and 41 of the Council's Local Plan (LP) which require housing development, in general and also specifically in conservation areas, to respect the local character, spatial standards and physical context, and to complement the scale, form and layout of adjacent buildings and areas, including heritage assets and landscape features.

Living conditions

13. The Council contends that the proposed dwelling, by reason of its size, height, bulk and close proximity to the boundary with No.2 Marlowe Close, would have a seriously detrimental impact on the amenities of the adjoining property by reason of visual impact and loss of outlook.
14. The proposed house would be located at the rear of the plot of No 1 Marlowe Close and alongside the rear portion of the garden at No 2. It would be only around 1 metre from the boundary with No 2, but there is a degree of landscaping along this boundary and, in any case, the proposed house would have a cat-slide roof, starting at ground-floor eaves level, which would slope away from the boundary, thus minimising its visual impact. The proposed house would be around 20 metres from the rear elevation of No 2 and I do not consider that, at that distance, it would be a significantly prominent feature when viewed from the rear windows of No 2 or from the main part of its rear amenity area close to the rear elevation.
15. The proposed house would have two bedroom windows in the south-facing elevation at first-floor level, but these would be obscure glazed and would, by

virtue of the nature of the cat-slide roof and its impact on the design of the first-floor of the proposed house, be set in some distance from the side boundary with No 2,. On this basis, I do not consider that the proposal would result in any significant actual or perceived sense of overlooking or loss of privacy to the occupiers of No 2 Marlowe Close

16. In conclusion on this issue, I find that the proposal would not be significantly harmful to the living conditions of the occupiers of No 2 by way of privacy or outlook, and that it would not conflict with Policy 37 of the LP which requires that development should respect the amenity of the occupiers of neighbouring buildings.

Conclusion

17. In conclusion, I find that the proposed development would result in the creation of an uncharacteristically small plot that would appear cramped in nature and incongruous in the context of the development grain of the area. It would, therefore, be significantly harmful to the character and appearance of the CA. It would, on this basis, also conflict with Policies 4, 37 and 41 of the LP.
18. I find that the proposal would not be likely to result in significant adverse effects to the occupiers of No 2 Marlowe Close by way of privacy and outlook, but that this lack of significant harm to living conditions does not outweigh the harm caused by the proposal to the character and appearance of the CA, as outlined above. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR