



Appeal Decision

Site visit made on 9 July 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/G5180/W/19/3228848

14 Wimborne Avenue, Chislehurst BR7 6RQ

- 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 S Sims against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04397/FULL1, dated 28 September 2018, was refused by notice dated 11 February 2019.
 - The development proposed is the erection of two detached dwellings with associated parking and landscaping following demolition of the existing property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans were submitted to the Council during consideration of the planning application. The Council commented that they considered the application based on the plans originally submitted. They commented that the suggested revision did not overcome the reservations raised and did not accept this as a formal revision to the application.
3. The Council have, albeit informally, provided a view on the suggested amendments. I consider the amendments to be relatively minor in the context of the overall scheme. I consider that no parties will be prejudiced by me considering the appeal on the basis of the amended plans.

Main Issues

4. The main issues are, the effect of the proposed development on the character and appearance of the area; whether the development would provide adequate living conditions for future residents, with regard to private amenity space; and the effect on the living conditions of the occupants of neighbouring residential properties, with regard to outlook and light.

Reasons

Character and appearance

5. The appeal site is located at the roundabout junction of Wimborne Avenue and Berens Way. The appeal site comprises a single storey detached dwelling and sits in an elevated position. Like the surrounding properties, the existing property on the appeal site is set back from the roundabout junction. The appeal site has a landscaped front garden which is consistent with the established gardens of the properties in the surrounding area.

6. The properties in the surrounding area are mainly detached with some semi-detached properties on Ravensbury Road and elsewhere on Wimborne Avenue. The appeal site lies within the Marlings Park Estate Area of Special Residential Character (ASRC).
7. The proposed development would result in the subdivision of the appeal site to form two dwellings. The first dwelling, plot 1, would be a two-storey detached dwelling and would overlook the roundabout using the existing vehicular access. The second dwelling, plot 2, would be a three-storey split level, detached dwelling and would be accessed from Berens Way.
8. The Council outline that having assessed the planning history of the site, the existing dwelling at 35 Berens Way was a previous subdivision of the appeal site resulting in the creation of a detached dwelling.
9. The appeal site and the surrounding area are comprised of a variation of building designs. Plot 1 takes its form from the detached dwellings on Wimborne Avenue and Berens Way, using projecting bays and render, and hipped and gable roofs. These are consistent features of properties surrounding the appeal site. Plot 2 adopts a similar approach but is influenced by the split-level dwelling at 35 Berens Way. The appearance of the dwellings on their own is not considered to have a harmful impact on the overall appearance of the area.
10. The dwellings would be comparable in scale to the surrounding dwellings which are mainly two storey. Plot 1 would however be positioned in a location where its scale, combined with the elevated nature of the site, would result in it appearing dominant and out of character with the surrounding properties, which are set back into their plots or sited in front of areas of open space set back from the roundabout junction. I therefore find that the scale of plot 1 would have an unacceptable impact on the character and appearance of the area.
11. Concern has been expressed in relation to the scale of plot 2 and the effect this has on the character and appearance of the area. One of the main features of plot 2 is the lower ground level that would be cut into the site. In addition, the second-floor accommodation would be located in the roof of the property. The resulting effect is that the overall scale of the dwelling would not appear excessive in the context of the surrounding built environment and not be harmful to the character and appearance of the area.
12. One of the key features of the majority of dwellings surrounding the appeal site are their large rear gardens. The gardens of the proposed properties would be considerably smaller than the majority of dwellings in the surrounding area. In the context of the size of the dwellings proposed and the size of their gardens, I consider that these would be significantly out of character with the surrounding area. The result is that the dwellings would appear cramped and confined into their plots and be at odds with the relatively spacious nature of the surrounding area. It is considered that this would be harmful to the character and appearance of the area.
13. I therefore conclude that the proposed development would have an unacceptable impact on the character and appearance of the area. The proposed development would be contrary to Policies 3, 4, 37 and 44 of the Bromley Local Plan (adopted January 2019). Policy 3 requires, amongst other

things, that; garden land development does not have an unacceptable impact on the character and appearance of the area in relation to scale, design and density; and that there is a high standard of separation. Policy 4 requires, amongst other things that the site layout and space around new housing is designed to a high quality recognising, as well as complementing the qualities of the surrounding area. Policy 37 requires, amongst other things, that the general design of new development should complement the scale, proportion, form and layout of adjacent buildings and areas; and positively contribute to the existing street scene. Policy 44 requires that development within an ASRC will be required to respect, enhance and strengthen their special and distinctive qualities.

Living conditions of neighbouring residents

14. In relation to the impact on existing residents, this would be mainly in relation to 12 Wimborne Avenue and 35 Berens Way. Other properties are considered to be a sufficient distance from the appeal site to ensure that there is not an unreasonable impact on their living conditions from the development.
15. No. 12 Wimborne Avenue is an existing two storey detached property. It has an existing single storey rear off-shoot and windows in the rear elevation. The property is elevated from the appeal site. Given the siting of plot 1, following a similar building line, it is not considered that there would be an unreasonable impact on the living conditions of 12 Wimborne Avenue. In relation to the effect of plot 2, the submitted plans show that the proposed hipped roof would be visible above the existing boundary fence. Whilst this would cause some impact in terms of levels of outlook, daylight and sunlight I do not find it to an unacceptable level.
16. In relation to the effect on 35 Berens Way, the Council consider that due to the proximity of plot 2 it would have an overbearing effect. In the absence of any main windows in the side elevation of 35 Berens Way, I do not consider that the development would have an overbearing effect. Whilst plot 2 sits further forward of 35 Berens Way I consider that the separation distance between the existing and proposed dwellings would not create an unreasonable impact.
17. In the context of the existing and proposed properties, owing to the window positions and the glazing proposed, there would not be an unacceptable impact on the privacy of existing residents.
18. I therefore conclude that the development would not result in unacceptable harm to the living conditions of the occupants of neighbouring residential properties. In this respect I consider that the proposal would comply with Policies 3 and 37 of the Bromley Local Plan (adopted January 2019). These policies seek to ensure, amongst other things, that there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight and daylight; and development should respect the amenity of occupiers of neighbouring buildings and those of future occupants ensuring they are not harmed by inadequate daylight, sunlight, privacy or overshadowing.

Living conditions of future occupants

19. In terms of whether adequate living conditions would be provided for the future residents of the development residents the Council state that this would be in

relation to the outlook. The layout and window positions of the proposed dwellings is such that there will not be an overbearing impact on the future occupants as a whole. Plot 1 has been designed as such so that the main outlook is not onto plot 2, with the same approach being conversely taken on plot 2 in relation to plot 1.

20. The Council consider that due to this overbearing effect this could hinder the quality of the garden space and discourage its use. I find that, as a whole (and notwithstanding my findings in relation to the effect on the character and appearance of the area), both proposed properties would have reasonable levels of outdoor amenity space and of sufficient quality to ensure satisfactory living conditions.
21. It is considered in the context of the existing and proposed properties, owing to the window positions and the glazing proposed, there would not be an unacceptable impact on the privacy of future residents.
22. I therefore conclude that the development would provide adequate living conditions for its future occupants. In this respect I consider that the proposal would comply with Policies 3 and 37 of the Bromley Local Plan (adopted January 2019). These policies seek to ensure, amongst other things, that there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight and daylight; and development should respect the amenity of occupiers of neighbouring buildings and those of future occupants ensuring they are not harmed by inadequate daylight, sunlight, privacy or overshadowing.

Other matters

23. The appellant has outlined how they consider the proposal meets with the economic, social and environmental objectives of the National Planning Policy Framework. Whilst I accept the proposal would bring some benefits in terms of housing delivery and employment from construction, these would be relatively minor and do not outweigh the harm I have identified with the proposal.
24. The appellant outlines that the proposal can deliver ecological enhancement and would also represent development in a sustainable location. However, these matters do not outweigh the harm I have identified with the proposal.

Conclusion

25. On the matter of character and appearance, I have found that the proposed development would cause unacceptable harm to the character and appearance of the area. On the matter of living conditions, I have found that the development would not have an unacceptable impact on the living conditions of existing residents and would provide adequate living conditions for future occupants of the proposed dwellings.
26. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR