



Appeal Decision

Site visit made on 17 July 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2019

Appeal Ref: APP/G5180/W/18/3219542

70 Sutherland Avenue, Biggin Hill, Westerham TN16 3HG

- 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 A Yar against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04362/FULL1, dated 22 September 2018, was refused by notice dated 7 December 2018.
 - The development proposed is erection of a detached bungalow (amendment to planning permission 1801271/FULL1).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined, the Council has adopted the Bromley Local Plan (LP). As such, the LP and its policies now have full weight as part of the development plan. The Bromley Unitary Development Plan no longer has such weight. Nonetheless, its policies are a material consideration as these were part of the development plan when the Council made its decision.

Main Issue

3. The main issue is whether the retention of the existing dwelling and the proposed new dwelling, when taken together, would have an adverse impact on the character and appearance of the surrounding area.

Reasons

Retention of existing dwelling

4. The appellant argues that the appeal proposal is an amendment to a previously approved scheme which now involves the retention of the existing house for ancillary use comprising of a games room, gym and annex for guest accommodation as well as an approved new dwelling. It is also stated that the existing and approved dwelling would continue to be used as a single-family residence and the plot would not be subdivided. Moreover, the appellant says that the proposed use of the existing dwelling would be secondary to the use of the new dwelling and that this could be secured by a planning condition.
5. In my assessment, noting the intended ancillary use for the existing building, its size and the amount of floorspace available, I find that the proposal before me does not demonstrate an appropriate level of subservience to the proposed

new dwelling. Furthermore, from the submitted evidence, I find that the space and facilities available within the existing building would have the potential to provide accommodation suitable for an independent dwelling such as a lounge, a kitchen, a bedroom and two bathrooms.

6. I have also had regard to the Council's concern regarding the potential for future pressure to demolish the existing garage at the property and extend the access drive to split the plot and create a tandem development. From what I have seen and read, I find that this would be harmful to the established and prevailing pattern of development in the local area. I also note that if this appeal were allowed, the severance of the property to create two separate dwellings would be difficult to monitor. As such, I consider that any imposed planning condition with the purpose of preventing this would be difficult to enforce.
7. As a result, having carefully considered the above, I find that the retention of the existing building would have the potential to include primary living accommodation. Consequently, due to its size and floorspace, I conclude that such additional accommodation would not be reasonably required for purposes incidental to the enjoyment of the main dwelling. As such, the proposal would be contrary to Policy 4 of the LP.

Character and appearance

8. The appellant argues that the appeal proposal involves no changes to the siting, scale and design of the previously approved dwelling. Furthermore, it is stated that no external alterations are proposed to the existing house and that its use would have no detrimental impact on the character and appearance of the local area. It is also argued that both the existing building and the approved dwelling are low key buildings and that there is tandem or backland development in the local area. As such, the appeal proposal would not be unprecedented or visually or physically harmful to the openness, character or appearance of the surrounding area.
9. From what I have seen and read, Sutherland Avenue is characterised by dwellings with a strong frontage presence within its street scene. The character and appearance of the local area is principally led by the large residential plots and detached dwellings towards the front of the substantial plots, particularly on the southern side of Sutherland Avenue. This results in a spacious and open character with mature landscaping that provides an attractive and distinct quality.
10. There is no substantive evidence before me to indicate that any significant infill development has occurred nearby. I note that there is one example of tandem development to the rear of a property on the southern side of Sutherland Avenue. Nonetheless, this is very much the exception rather than the rule in the local area. It is evident that most plots along the south side of Sutherland Avenue accommodate single buildings located towards the front of their plots, facing the highway. As such, I find that the proposed scheme to retain the existing building would result in two sizeable buildings being on site which would be out of keeping with that prevailing pattern of development and the established character and appearance of the surrounding area.
11. It is noted that the existing building is set back into the site and is at a lower level than the proposed dwelling. Nonetheless, whilst the appellant makes the

point that the existing building has the appearance of an outbuilding, in my view, as the original dwelling on the appeal site, the existing building does not appear as an outbuilding.

12. I have had due regard to the points raised in relation to retaining separation distances to the site boundaries and that the height of the existing building is lower than that of the approved building. Notwithstanding this, I consider that the proposal before me would substantively increase the amount of built development on the plot and would inevitably have an adverse impact on the openness and character of the area. Given my characterisation of the locality, its openness is a key factor in its character and appearance. As such, I find that the retention of the existing building as proposed would significantly diminish that openness and would therefore be detrimental to the character and appearance of its surroundings.
13. Based on what I have seen and read, the combined impact of the retained existing building and the proposed buildings on the appeal site would constitute an over-development of the plot. Furthermore, it would result in an unacceptable encroachment of development into the generally open and distinctive character of the area provided by the scale and size of the plots and gardens in the area and the proportions of the buildings on them. As a result, I find that the appeal proposal would be an uncharacteristic development which would be out of keeping with its context and would significant harm the distinctive character and appearance of its surroundings.
14. Consequently, I conclude that the proposal would have a significant detrimental effect on the character and appearance of the surrounding area. It would therefore be contrary to Policies 4 and 37 of the LP. Amongst other things, these policies seek to ensure that development has no substantive detrimental effects on their surroundings and maintains or enhances the quality and character of its local area.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR