



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: 06 August 2019

Appeal Ref: APP/G5180/W/19/3219836

49 Southborough Road, Bickley, Bromley BR1 2EL

- 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 N Hillman and Sons Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04108/FULL1, dated 7 September 2018, was refused by notice dated 5 December 2018.
 - The development proposed is demolition of coach house and construction of detached building comprising 5 no. flats (1 x one bedroom and 4 x two bedroom) and elevational alterations, basement excavation and conversion of existing dwelling to 4 no. flats (1 x 1 bedroom and 3 x 2 bedroom). Formation of underground car park to rear, with vehicular access ramp and basement access from existing/proposed buildings, associated hard and soft landscaping, boundary fencing, refuse and cycle storage, with realignment of front boundary wall and pavement works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development on the application form which reads: *'conversion of the existing dwelling to 4 flats and the erection of additional building containing 5 flats'* has been amended by the Council. Having considered the details of the proposal and evidence before me, I find that the Council's description more accurately reflects the development proposed. Therefore, I consider it reasonable and appropriate to refer to that description in this Decision.
3. I have noted the extensive planning history of the appeal site and, accordingly, I have taken these other applications, appeals and decisions into account as material considerations in my determination of this appeal. Nonetheless, whilst I have carefully considered the matters raised in this regard, I must assess the proposal before me principally on its own merits and circumstances and confirm that I have done so.
4. 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 remain a material consideration as these were part of the development plan when the Council made its decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. From what I have seen and read, I find that the area surrounding the appeal site is characterised as having predominantly large detached single-family houses which sit on generously sized plots within spacious and well-landscaped gardens.
7. The proposal seeks to overcome the reasons for refusal of a previous scheme, ref: DC/18/01148/FULL1, which was also the subject of an appeal¹. I note that the previous scheme and this appeal proposal have similarities. From the evidence, I find the main differences between them are that this proposal introduces an underground car park to the rear of the plot, accessed by a ramp between the two buildings on the site rather than the surface car park previously proposed and refused. Furthermore, the previous scheme proposed small plots of amenity space surrounding the surface car park. These have been replaced by a larger communal garden area with some fenced private amenity areas. Having regard to the character of the area, in my view, this proposed scheme would result in a noticeable departure from its prevailing character and appearance. As such, the main consideration is whether the changes to the scheme would be harmful.
8. The appellant argues that the character of the area would be maintained as a result of removing the surface car park at the rear of the appeal property and the introduction of increased landscaping and a single communal garden to give the site a more domestic appearance. Furthermore, the proposal would meet density requirements for the locality and accord with Policy 3.4 of the London Plan regarding over-intensive use and the emerging Policy H2 of the draft London Plan 2019 which relates to small, infill development on brownfield sites. Therefore, it is stated, that the proposed scheme is policy compliant and the appellant has set out their reasons for this being the case.
9. Notwithstanding the above, I find that the varying sizes of the private spaces to the rear of the proposed buildings would appear visually out of keeping with the prevailing pattern of development in the surrounding area. Given the character of the area as I have described, the proposed flatted development would not be characteristic of the surrounding properties and area. Whilst the proposal may provide some improvement on the scheme previously refused, I find that the consequences of the increased occupation and use on the site, with 9 flats and potentially 27 occupants, would be harmful to the character of the area in terms of the intensity of activity on and around the site.
10. Although the potential 27 residents would be accommodated within the two buildings proposed rather than the single existing building, the proposal would result in the creation of 9 separate households on the site. This would generate an increase in activity which would fail to be in keeping with the distinctive residential character of the local area and neighbouring properties. Moreover, I consider that such an adverse impact would only be exacerbated, visually and physically, by the increase in domestic paraphernalia likely emerge around the buildings as a result of the proposed development.
11. The proposed scheme has sought to deal with concerns regarding layout in terms of car parking and the potential erosion of the residential environment. Nonetheless, given its context, I find that it would result in uncharacteristic elements in terms of its over-intensive form of flatted development and the provision of a basement car park with ramped access. Notwithstanding the appellant's points regarding the general appearance and layout of the scheme, the nature and use of the proposal would be appreciably apparent from outside of the

¹ Appeal Ref: APP/G5180/W/18/3210945

site and within the wider street scene. This would arise from the increased frequency of comings and goings associated with a more intense use and the location of the refuse and recycling bin storage areas at the front of the site.

12. In addition to the adverse impact on character and appearance of the area due to the intensive use, I find that the contrast between this appeal scheme and the similar looking approved development for two detached dwellings², as referenced by the appellant, would be marked. The layout of the appeal scheme at the front of the site, including the proposed refuse and recycling storage areas, despite the proposed landscaping scheme, would be harmful to the residential character and visual amenity of the street scene. In addition, at the rear of the two buildings of the proposed scheme, in the proposed appeal scheme there would be the awkward enclosure of several disparate areas for private amenity space rather than the more prevalent larger residential gardens serving two separate buildings.
13. With all things considered, I find that the proposal, incorporating a basement car park and variable enclosed private amenity space, would not address the concerns raised in relation to the previous application for flatted development. Furthermore, neither would deal with the concerns expressed in the previous dismissed appeal.
14. The proposal before me would provide a sizeable number of new households on the site and place those dwellings in a landscaped setting with off-street parking. Furthermore, it would provide some improvement on the previously refused scheme in that the surface car park is omitted and the potential occupancy level has been reduced. It would also result in two buildings of a scale and size in keeping with character of the surrounding area and street scene and provide a footpath along the length of the public highway adjacent to the appeal site.
15. Whilst there are undoubted benefits, the appeal proposal would fail to complement or respect the prevailing pattern of development. The development of flats is not prevalent in the area or in keeping with its character. Furthermore, the resulting intensity of the residential use on the site would not respond positively or appropriately to the lower density residential qualities of the area. Therefore, having regard to all matters and considerations before me, I find that on balance the benefits of the proposal would be outweighed by the harm I have identified.
16. Consequently, I conclude that the proposed development would have a significant adverse effect on the character and appearance of the surrounding area. It would, therefore be contrary to Policies 4, 9 and 37 of the LP, Policies 7.4 and 7.6 of the London Plan and relevant sections of the Council's Residential Design Guidance.

Other Matters

17. The appellant states there is a lack of demand for houses such as those previously granted planning permission at the site and that the need is for smaller units more akin to those proposed in this appeal scheme. However, I have seen no substantive evidence to support this view. Moreover, no information has been provided in terms of financial viability and the Council has not requested any. Notwithstanding this, I note that the proposed excavation works for the basement car park would itself no doubt be an expensive operation. However, the main issue in terms of the reason for refusal and this appeal does not refer to such matters directly. As such, I give it limited weight.
18. Both parties have referred to other appeal decisions and schemes to support their respective case and I have had due regard to them. However, I do not have full details of these before me and, in any event, I must consider the appeal proposal

² Application Ref: DC/16/05600/FULL1

principally on its own merits whilst taking account of other material considerations. As a result, having carefully considered these other schemes, I have given them only limited weight in my determination of this appeal.

19. Concern has been raised that the proposed scheme would contravene covenants which preclude flat development on the site. Again, I have no details of these matters before me. However, I note that this is a private legal matter which falls outside of planning control and my consideration in this case. Accordingly, it is not for me to make further comment on such matters in determining this appeal and therefore I have not done so.

Conclusion

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

A McCormack

INSPECTOR