



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/18/3219160

2 Avondale Road, Bromley BR1 4EP

- 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 Muroblanco Ltd against the decision of the Council of the London Borough of Bromley.
- The application Ref 18/02740/FULL1, dated 15 June 2018, was refused by notice dated 5 November 2018.

The development proposed is the conversion of existing dwelling to form two 4 bedroom dwellings (to include side/rear extension, single storey rear extension and conversion of roof space to habitable space as permitted under ref: 16/01116/FULL6) and single storey detached outbuilding to rear.

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing dwelling to form two 4 bedroom dwellings (to include side/rear extension, single storey rear extension and conversion of roof space to habitable space as permitted under ref: 16/01116/FULL6) and single storey detached outbuilding to rear at 2 Avondale Road, Bromley BR1 4EP in accordance with the terms of application ref: 18/02740/FULL1, dated 15 June 2018 and subject to the conditions set out in the schedule attached to this Decision letter.

Procedural Matters

2. The description of development on the application form which read as: 'the conversion of the large single-family dwelling house into two residential planning units' was amended by the Council. From what I have read and seen, I find that the Council's description provides a more detailed and accurate explanation of the proposed development. As such, I find it reasonable and appropriate to refer to that description in this Decision. Accordingly, I have done so.
3. The proposed scheme was recommended for approval by Council officers, subject to conditions. Nonetheless, the Council's Planning Committee resolved to refuse the application for the reason stated on the Decision Notice. This led the appellant to appeal the Council's decision and I have assessed the appeal in that context.
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. However, its policies are a material consideration as they were part of the development plan when the Council made its decision.

Application for costs

5. An application for costs was made by Muroblanco Ltd against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Main Issues

6. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of neighbouring and future occupiers with regard to parking, privacy, noise and disturbance and outdoor space.

Reasons

Character and appearance

7. The appeal property is a semi-detached house within an established residential area. It is situated on a sizeable corner plot adjacent to the junction of Avondale Road and Brook Lane. The local area contains several large semi-detached and detached properties dating from the Victorian and Edwardian periods, including the appeal property. Some of these properties have been extended and altered. Furthermore, it is noted that some nearby properties take the form of blocks of flats or are larger dwellings subdivided into several units. As such, the area is characterised as mixed in terms of the type of residential properties within it.
8. From what I have seen and read, this proposal is similar in appearance to the approved scheme at the property considered acceptable by the Council. That scheme related to the extension and retention of a single occupancy dwelling. However, the Council says that as the proposal before me relates to the provision of an additional dwelling, the intensification of development and use on that plot would be harmful to the character of its surroundings.
9. The Council argues that whilst the existing dwelling is large and capable of housing up to seven persons, the proposed extension, intensification of development, creation and occupation of a second dwelling would represent a much higher level of activity in the area than is characteristic for its surroundings. Moreover, this over-intensification of use and development would be out of keeping with the established pattern and nature of development. It is therefore argued that the proposal would be at odds with the evident form of development within the row of properties formed by Nos.2 – 8 Avondale Road which appears as two pairs of semi-detached houses. It is also stated that the proposal would be out of step with the nearby terrace of dwellings on Burnt Ash Lane which backs onto Brook Lane.
10. I have had regard to the alleged impact of the proposal on the character and appearance of its surrounding area in terms of layout, appearance, scale and design. In doing so, I find that in terms of resulting in an over-development of the site, whilst the density of the plot would effectively double, it would still be appropriate within this location. Moreover, I note that the design of the two proposed dwellings would comply with the requirements of the London Plan regarding internal layout, provision of amenity space and secure bin and cycle storage as well as vehicle parking. Furthermore, I am satisfied that such matters could be secured through conditions.
11. The proposed side extension would also retain a side space to the eastern boundary of the site which would exceed the Council's space standards. As such, I find that the proposal would retain much of the character of the area and the host property as a large semi-detached residential property. Moreover, I find that the

proposed outbuilding would be of a design, appearance and scale which would be consistent with that of a subservient, ancillary building in the rear garden. Furthermore, in my view, the near identical proposal at the host property, approved by the Council under ref: DC/16/0116/FULL6, provides material evidence that in design and appearance terms, the proposed scheme would be acceptable.

12. The Council claims that the proposal would create the appearance of a terrace of three properties which would disrupt the pattern of development in the locality. In my view, this would not be the case. From the submitted drawings, the host property would retain a single front door with access to the two proposed dwellings gained by internal doors leading from a hallway behind that front door. Whilst having a more contemporary appearance in terms of its fenestration, the proposed side extension would be constructed in materials to match the host property. It would also appear subservient in scale and roof height to the original dwelling and would be stepped back from its front elevation. As such, I find that when viewed from the street, the proposal would appear as an addition to the single dwelling.
13. Taking these matters and other material considerations into account, I find that the proposed scheme would not represent an over-development of the plot. Indeed, I consider that it would result in an efficient use of land in a sustainable and well-established residential location and would have a limited visual impact on the character or appearance of its surroundings.
14. Consequently, I conclude that the proposal would have no significant adverse effect on the character and appearance of the surrounding area. Therefore, it would comply with Policies 4, 9 and 37 of the LP and Policies 7.4 and 7.6 of the London Plan.

Living conditions

15. The Council states that two separate households function differently to one large one. For example, this would take the form of two sets of activities, deliveries, patterns of comings and goings and parked and visiting vehicles. Moreover, the number of refuse and recycling bins would be doubled. The Council also says that the creation of two 4 bedroom houses on the existing plot would be harmful to future and neighbouring occupiers due to the increased occupation and activity.
16. With regard to the provision of off-street parking, the Council states that the site has a PTAL rating of 1b. However, from what has been submitted, I note that the Transport for London PTAL website confirms that the site has a PTAL rating of 2. As such, under Policy 30 of the LP, the proposed scheme would require a minimum of 1.5 parking spaces per dwelling. Accordingly, I find that the three off-street parking spaces proposed would be appropriate and acceptable. As such, in my view, the Council's claim that the potential displacement of spaces associated with resident and visitor parking onto the public road network, particularly Avondale Road, would be less likely to occur.
17. It is argued that Avondale Road is a heavily trafficked route through to local primary schools and shopping facilities with two very distinct bends before reaching the junctions of Brook Lane and Burnt Ash Lane. As such, the Council says that the accumulation of vehicles parking at and around the appeal property at times when the three off-street spaces proposed are occupied would narrow the road causing an obstruction to traffic approaching Burnt Ash Lane. However, I have seen no substantive evidence to support this argument.
18. From my observations during my site visit, I note that there was capacity for on-street parking in the local area, particularly on Avondale Road. I acknowledge that this can only be considered as reflecting a snap shot in time and I have taken this

into account. Nonetheless, I also note that Avondale Road is a reasonably wide highway and whilst it has bends to it in the area around the appeal property, in my view, it would be able to accommodate some on-street parking safely.

19. Notwithstanding this, I note the comments of the Council's Highways Officer in the Council's Committee Report. The officer considers the proposed off-street parking to be adequate to meet the needs of the proposal. Furthermore, subject to some suitably worded conditions, it is noted that no highway objection to the proposal was raised by Council officers. I have also had due regard to the comments of other interested parties on these matters. However, based on the evidence before me, I find that such concerns could be reasonably and appropriately addressed by conditions. As such, these arguments against the proposal only limited weight.
20. I now turn to the impact of the proposal on neighbouring occupiers in terms of privacy and noise and disturbance. Due to the proposed scheme's intensification of use, the Council states that the increase in the use of rooms at the rear of the appeal property, particularly at first floor level, by two separate households would lead to a perception of overlooking and loss of privacy for the neighbouring occupiers of 4 Avondale Road (No.4) when using their rear garden. Whilst I appreciate the Council's view, I find that such a relationship between neighbouring properties is common, whether they are semi-detached or in a terrace. As such, I consider any adverse impact on privacy for the occupiers of No.4 to be limited.
21. Furthermore, the Council points to the predominance of family dwellings in the local area including those on Southover where the properties back onto Brook Lane. It is argued that the increased intensity of use with two households and up to 13 persons on the appeal site would increase noise and disturbance for surrounding occupiers. As such, the Council says that this would disrupt the 'sense of peace and quietude' which, it is claimed, is provided by the long rear gardens of the properties adjacent to the appeal property on the north side of Avondale Road.
22. As the Council suggests, the surrounding area consists predominantly of family dwellings. Notwithstanding the large size of some rear gardens nearby, I find that the proposed scheme and its two family-sized dwellings would not result in an undue increase in activity, noise and disturbance that would materially diminish the level of residential amenity currently enjoyed by neighbouring occupiers. Given the amount of family dwellings in the area, I find that the proposed dwellings would result in levels of activity no more or less than that experienced with other such family dwellings nearby.
23. In terms of outdoor space, I have had regard to the sub-division of the existing rear garden of the appeal property and the overall layout of the garden space for both proposed dwellings. The relatively small size of garden for Unit 2 is also noted. Although the garden for Unit 2 appears small, the proposed scheme meets all relevant space standards for internal and external living space. Moreover, I note that the Council officers did not raise any objections to these matters either in term of the approved scheme or within the Committee Report relating to this appeal proposal. As such, from the evidence, I find that the scheme meets the relevant policy and guidance standards regarding living space and I see no material reason to differ from the view of the Council officers on such matters.
24. Consequently, I conclude that the proposed development would have no significant adverse effect on the living conditions of neighbouring and future occupiers in terms of parking, privacy, noise and disturbance and outdoor space. Therefore, it would comply with Policies 4, 9, 30 and 37 of the LP and Policies 7.4 and 7.6 of the London Plan.

Other considerations

25. Both parties have referred to other proposals and developments in the local area to support their respective cases. Accordingly, I have had due regard to these as material considerations in my determination of this appeal. However, I do not have the full details of these other schemes and developments before me and as such, I must give them limited weight in my decision. Notwithstanding this, and in any event, I must assess the appeal proposal on its own merits and circumstances with regard to these other considerations and I confirm I have done so.

Conditions

26. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance (PPG).
27. In addition to conditions regarding the timing of development and the approved scheme being in accordance with the approved plans, I have included a condition to ensure that materials for the external surfaces of the development match the existing property for reasons of character and appearance. In addition, I have imposed conditions relating to the provision of a construction and environmental management plan and the cleaning of construction plant, vehicles and highways during construction period. These are needed for reasons of highway safety and are in the interests of visual and residential amenity.
28. Furthermore, I have included conditions relating to the occupancy of the proposed outbuilding, the height of the front boundary wall of the property, the storage of bicycles and recycling and refuse containers and surface water drainage. These are necessary and reasonable for reasons of character and appearance, highway safety and in the interests of residential amenity. A condition ensuring no further windows or doors are inserted into the western elevation of proposed Unit 1, other than those approved, is necessary to protect residential amenity. There are also conditions relating to the parking and turning area on the site, the lighting of the proposed drive and parking area and the visibility of the highway from the site. These are required and reasonable in terms of highway safety and amenity.
29. It is essential that the requirements of Condition 4 are agreed prior to development starting to ensure an acceptable development in respect of character and appearance, visual and residential amenity and highway safety for all road users. In respect of the above, it is noted that the conditions set out in this Decision are agreed between the appellant and the Council.

Conclusion

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

A McCormack

INSPECTOR

SCHEDULE OF 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: Drawing No: 01 – ‘Existing and Proposed Site Plan Rev Garden’; Drawing No: 02 – ‘Existing and Proposed Ground Floor’; Drawing No: 03 – ‘Existing and Proposed First Floor’; Drawing No: 04 – ‘Existing and Proposed Second Floor’; Drawing No: 05 – ‘Existing and Proposed Front Elevation’; Drawing No: 06 – Existing and Proposed Side and Rear Elevations’; Drawing No: 07 – ‘Existing and Proposed Side Section; and Drawing No: 08 – ‘Proposed Elevations: Outbuilding’.
- 3) The materials to be used for the external surfaces of the development hereby permitted shall, as far as practicable, match those of the existing building.
- 4) No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. As a minimum, the plan should cover:
 - (a) Dust mitigation and management measures;
 - (b) The location and operation of plant and wheel washing facilities;
 - (c) Measures to reduce demolition and construction noise;
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:
 - (i) Rationalise travel and traffic routes to and from the site as well as within the site;
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity;
 - (iii) Measures to deal with safe pedestrian movement;
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works;
 - (v) Parking for operatives during the construction period; and
 - (vi) Swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation;
 - (f) Other site-specific Highways and Environmental Protection issues as requested on a case-by-case basis.

The development shall be undertaken in full accordance with the details approved under Parts (a)–(f) above.
- 5) While the development hereby permitted is being carried out, a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud on the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.
- 6) The detached building hereby permitted shall only be used for purposes incidental to the residential use of the main issues and for no other purpose.
- 7) No windows or doors (other than those shown on the approved plans) shall at any time be inserted in the western elevation of Unit 1 hereby permitted.

- 8) No wall, fence or hedge on the front boundary or no the first 2.5 metres of the flank boundaries shall exceed 1 metre in height and these means of enclosure shall be permanently retained as such.
- 9) Before commencement of the use of the land or building 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) (England) Order 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.
- 10) No loose materials shall be used for the surfacing of the parking and turning area hereby permitted.
- 11) Before any part of the development hereby permitted is first occupied the access onto Avondale Road, shall be provided with 3.3 metres x 2.4 metres x 3.3 metres visibility splays and there shall be no obstruction to visibility in excess of 1 metre in height within these splays except for trees selected by the local planning authority, and which shall be permanently retained thereafter.
- 12) Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of above ground works. The approved scheme shall be self-certified to accord with BS 5489 – 1:2003. The lighting scheme shall be implemented in full accordance with the approved details before the development is first occupied and the lighting shall be permanently retained thereafter.
- 13) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to, and approved in writing by, the local planning authority prior to construction of any above ground works. The arrangements as approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 14) The arrangements for storage of refuse (including 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.
- 15) Surface water from private land shall not discharge on to the highway. Prior to the commencement of above ground works, details of the drainage system for surface water drainage to prevent the discharge of surface water from private land onto the highway shall be submitted to, and approved in writing, by the local planning authority. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the local planning authority.

END OF SCHEDULE