



Appeal Decision

Site visit made on 16 July 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/G5180/W/19/3227467

Glebe Cottage, Woodlands Close, Bickley, Bromley BR1 2BD

- 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 and Mrs B and D Grimwood against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04169/FULL1, dated 13 September 2018, was refused by notice dated 11 December 2018.
 - The development proposed is construction of new house in South part of garden to Glebe Cottage accessed off St. George's Road BR1.
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Decision

1. This appeal is dismissed

Procedural Matters

2. Following the Council's decision on the application that led to this appeal there have been revisions to the Framework contained in the new version published in February 2019. No changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.
3. From the evidence submitted I see that during the course of this appeal the London Borough of Bromley formally adopted the Local Development Framework Local Plan London Borough of Bromley Planning Division January 2019 (the Local Plan). Both main parties have had the opportunity to submit comments on the relevance of the Local Plan to this case. I have taken the Local Plan into account in my reasoning and for the reasons above, I do not consider the main parties would be prejudiced as a result of me doing so.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area including the setting of the Bickley Park Conservation Area and nearby Listed Building, and the effect on the living conditions of neighbouring occupiers with particular respect to privacy.

Reasons

Character and Appearance

5. The appeal site is adjacent to the Bickley Park Conservation Area (the conservation area) which, based on the evidence provided and my

observations, draws its significance from its layout and appearance of generally large family houses set in generous grounds along residential roads, resulting in a sense of spaciousness. The Conservation Area adjoins the site on two sides and includes St Georges Church, and the appeal site is highly visible in public views along St George's Road within and towards the conservation area. Therefore, the character and appearance of the existing detached family house in generous grounds at Glebe Cottage makes a positive contribution to the setting of the conservation area.

6. The site is also close to the Grade II listed St Georges Church. Its significance is derived from its external appearance, in particular its materials, style and tower with spire and it is dominant in the streetscene. The appeal site is visible in public views towards the church and its spire from St George's Road and the nearby streets. Therefore, the appeal site has a visual relationship with the listed church and the existing sense of openness at Glebe Cottage provides an important part of the setting of the listed building.
7. The site is also within the Bickley Area of Special Residential Character for the purposes of Local Plan policy 44 which I understand is characterised by large houses in substantial plots.
8. There are a limited number of properties in the nearby area, including Park House/Valentine and Genden/Ivory House where plots have previously been subdivided, However, these are not so ubiquitous as to form an overriding part of the character and appearance of the area. Whilst there is some variation in the separation between dwellings in the nearby area and their side boundaries, this does not undermine the sense of spaciousness derived from other aspects of their settings including generous plot sizes and set back from the road.
9. Taking all the above into account, in summary, the surrounding area is characterised by large dwellings set in substantial plots which generally include a notable set back from the highway and large gardens. This results in a sense of spaciousness to this area.
10. The proposed development would subdivide the residential plot at Glebe Cottage into two separate dwellings resulting in plots with gardens notably smaller than others nearby. This is particularly visible as Glebe Cottage occupies a corner plot where the extent of the garden is readily visible in public views. This would undermine the generous and spacious layout of the surrounding area.
11. The proposed dwelling would sit forward of Oakhurst, and forward of the two storey side elevation of Glebe Cottage. Although it would be set back from the single storey garage to the side of Glebe Cottage the garage is a secondary subservient addition to the main dwelling and as such the proposed dwelling would sit forward of the main building line in this location. The resultant smaller front garden area would further undermine the sense of spaciousness. Consequently, these unacceptable impacts on the character and appearance of this area lead me to find that this proposed development of garden land would not be acceptable.
12. Based on the evidence before me I do not find harm in relation to the detailed design proposed. It appears that a number of properties in the nearby area have subservient additions to the main two storey properties. As such the

- single storey element to the rear of the dwelling would not be inappropriate in this respect.
13. Although the size of the plot provides adequately sized dwelling and amenity area in terms of providing acceptable living conditions for future occupiers, this does not outweigh the harm to the character and appearance of the area in terms of the size of the plot in relation to the character of the surrounding area as described above.
 14. Consequently, the proposed development would be harmful to the setting of the listed building and the conservation area. I attribute considerable importance and weight to these harms. Due to the size of the proposed development I quantify the harm to the heritage assets would be less than substantial.
 15. For the reasons above the proposed development would be harmful to the character and appearance of the area including the setting of the Bickley Park Conservation Area and nearby Listed Building. As such, in this respect, it would be contrary to the policies of the Local Plan most relevant to this main issue: Policy 4 (Housing Design), Policy 3 (Backland and Garden Land Development) Policy 37 (General Design of Development), Policy 38 (Statutory Listed Buildings), Policy 42 (Development adjacent to a Conservation Areas) and Policy 44 (Areas of Special Residential Character) or Policies 7.4 (Local Character) 7.6 (Architecture) and 7.8 (Heritage assets and archaeology) of the London Plan.
 16. The Council has referred to Policy 1 which is a high level policy relating to housing supply therefore I find the policies listed above to be more relevant to this main issue. It also references Policy 8 which requires adequate side space to be provided between dwellings. However, for the reasons above I do not find harm with regard to this policy. Nor am I provided with substantive evidence as to any conflict with Policy 3.4 of the London Plan.
 17. The Framework requires harm to be weighed against the public benefits of the proposal. I note that this scheme would provide one additional dwelling with the associated social, economic and environmental benefits, and I note that it is proposed to allow the existing occupiers to downsize. I have had due regard to these personal circumstances. However, I am mindful that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain after the current personal circumstances change. For these reasons, the weight I give to the appellant's personal circumstances is limited and I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan.
 18. I have balanced these public benefits against the less than substantial harm identified above. I have also had special regard to the desirability of preserving the setting of the listed building and I attach considerable weight to that desirability. Consequently, given the nature and scale of these benefits associated with a single house, they do not outweigh the harm to the setting of the Listed Building nor the conservation area identified above. Accordingly the proposal would also fail to comply with national guidance in the Framework.

Living Conditions

19. The first floor rear elevation includes windows to en-suites and built in storage which are shown to be obscure glazed. The plans show a single window which would be opaque. This window serves a stairwell and therefore it is likely that any overlooking from it would be passing views only. Furthermore, I accept that this window could be secured by condition to be obscure glazed if permission were to be granted.
20. The gardens in the surrounding area are already overlooked to some extent by first floor windows of surrounding properties. There is planting along the boundaries, however, this is not a permanent screen and I have considered this appeal on this basis. I also note that there are both side and rear windows at Inderhald, however any overlooking that did occur between these windows and those in the proposed dwelling would be at an obscure angle. As such there would be unlikely to be an unacceptably harmful effect on privacy as a result of the proposed development.
21. I am not presented with substantive evidence that there would be unacceptable loss of light to the light to neighbouring properties
22. Consequently, for the reasons above I conclude that there would not be unacceptable harm to the living conditions of neighbouring occupiers with particular respect to privacy. In this respect the proposed development would not be contrary to policies 37 (General Design of Development) of the Local Plan or policy 7.6 (Architecture) of the London Plan.
23. The Council refer to Policy 4 in its reason for refusal, however this mainly refers to aspect of character and appearance and therefore the policy listed above is more relevant to this main issue.

Conclusion

24. For the reasons above, this appeal should be dismissed.

H Miles

INSPECTOR