
Appeal Decision

Site visit made on 3 July 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: Thursday, 15 August 2019

Appeal Ref: APP/G5180/W/19/3228223

47 Tubbenden Lane, Orpington BR6 9PW

- 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 Mrs Jas Rooprai against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00178/FULL1, dated 3 January 2019, was refused by notice dated 10 April 2019.
 - The development proposed is construction of a two-storey one bedroom end of terrace dwellinghouse.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Jas Rooprai against the Council of the London Borough of Bromley. This application will be the subject of a separate Decision.

Procedural Matter

3. The Council advise that they no longer wish to defend the second reason for refusal in respect of car parking provision. I see no reasons to disagree in relation to highway safety, due to the amount of car parking spaces proposed. Hence, I have not considered this matter further.

Main Issue

4. In light of the above, the main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

5. The appeal property is the right-hand half of a pair of two-storey semi-detached dwellings close to the junction of Tubbenden Lane and Dalton Close. It is typical of the development in the surrounding area, the street scene of which is characterised by evenly spaced pairs of semi-detached properties and terraced rows that are generally aligned in an ordered manner.
6. The properties along Tubbenden Lane in the vicinity of the site are in the main situated within reasonably generous sized plots. The proposal would sub-divide the site so that the resultant plot size and the associated rear gardens for the proposed dwelling and the host property would be at odds and, hence, out of

character with the general pattern of development in the surrounding area with the greater sense of spaciousness and larger rear gardens. The proposed dwelling would extend the built form across the full width of the front of the plot. Considering the scale of the proposed dwelling in combination with the resultant smaller size of the plot following its sub-division, the proposal would result in a denser and cramped form of development.

7. With the positioning of the proposed dwelling towards the junction with Dalton Close, and its visibility from the street scene, the sub-division of the plot and the loss of spaciousness would be evident. This would not be satisfactorily addressed by its location adjacent to a grassed area outside of the site up to the street corner or by that the sub-division of the rear garden would be less apparent. Overall, it would not respect the surrounding prevailing pattern of development in the area.
8. I am aware that the host dwelling benefits from a recent planning approval¹ for a side and rear extension of similar scale and design to the appeal proposal. That approval would not have resulted in the sub-division of the plot and, therefore would not have been out of character with the pattern of development in the area to the extent that would result from the proposal before me. Hence, the circumstances are sufficiently different so as not to change my views. I acknowledge that the appellant has attempted to address the Council's reasons for refusal of the previous proposal for a dwelling. However, I have determined the appeal proposal based on the circumstances of the site and the evidence before me.
9. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. Consequently, it would not accord with Policies 4, 8 and 37 of the London Borough of Bromley Local Plan 2019 (LP), which amongst other things, set out to ensure that the scale and pattern of development proposals respect the character of existing development in the surrounding area.

Other Matters

10. The proposal would make a contribution to housing supply for the purposes of the LP, the draft London Plan and the National Planning Policy Framework, including the delivery of small sites. It would also be in a location that is accessible to local services. Such benefits from one additional unit would be on a modest scale, though. The proposal would not be unacceptable as regards living conditions, accommodation standards and highway safety, although these attract neutral weight. Nor do matters in relation to whether or not the site constitutes previously developed land alter my conclusion. Overall, the level of harm that would arise outweighs the benefits.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR

¹ Reference 18/02027/FULL6