



Appeal Decision

Site visit made on 29 July 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/G5180/W/19/3228658

11 Windsor Drive, Orpington BR6 6EY

- 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 Hobson of Wood Brothers Properties Ltd against the decision of London Borough of Bromley Council.
 - The application Ref DC/19/00489/FULL1, dated 30 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is 'construction of a detached residential house with rear amenity space and a bin/cycle storage area. Provision of a single car parking space with a new crossover onto the Meadway'.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a detached residential house with rear amenity space and a bin/cycle storage area and provision of a single car parking space with a new crossover onto the Meadway, at 11 Windsor Drive, Orpington BR6 6EY in accordance with the application, Ref DC/19/00489/FULL1, dated 30 January 2019 subject to the following 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 approved plans: 6368-PD-11 Rev A and 6368-PD-12 Rev A.
 - 3) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 6368-PD-11 Rev A for one car to be parked. That space shall measure 2.4m x 4.8m and shall thereafter be kept available at all times for parking.
 - 4) The arrangements for storage of refuse (which shall include 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 occupied, and permanently retained thereafter.
 - 5) Development (excluding any ground clearance or demolition) shall not commence until surface water drainage works have been carried out in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

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

Reasons for the Recommendation

4. The appeal relates to a vacant area of land to the rear of 11 Windsor Drive. The area is suburban and is characterised by a mix of types and styles of properties, with terraced commercial units fronting Windsor Drive (with some residential flats located above the commercial units) and two storey semi-detached dwellings and bungalows on The Meadway. The site is bound to the south east by a service road, beyond which lies the gardens and semi-detached bungalows fronting Spring Gardens.
5. The appeal site provides a gap in built development, between the buildings on Windsor Drive and Spring Gardens, which contributes to a general sense of space in the area. However, the high fence currently enclosing the site detracts from this sense of openness.
6. The proposed two storey dwelling would front onto The Meadway and feature a hipped roof and be of an architectural style which responds to the height, layout and character of existing dwellings on the opposite side of the road. It is acknowledged that the existing houses on the opposite side of The Meadway are further set back from the road with front gardens or driveways. However, given there are no other properties on the same side of the road as the appeal site on this part of The Meadway, there is an opportunity for a new dwelling to sit closer to the pavement without appearing out of character. The design of the proposed development has incorporated staggered walls to reflect the building lines from No. 11 Windsor Gardens and No.2 Spring Gardens. This building line, along with the height and architectural style of the proposal reflects and respects the grain of development in the area.
7. Although the detached dwelling would be close to the side and rear boundaries of the site, the feeling of space around the site would be maintained by the service road, the rear gardens of properties on Spring Gardens and the gardens of properties on Windsor Drive that would sit behind the proposed dwelling. The proposed timber pergola and parking space also helps maintain a sense of openness in the design and an adequate separation from the built form and the rear entrance to No. 11 Windsor Drive. The proposed amenity space, including a terrace at the back of the proposed dwelling, whilst clearly smaller than other gardens in the immediate vicinity, is adequate and it is not considered that the amount of built development on the site would result in a cramped effect given the feeling of space around the site.
8. Overall the proposal would not unacceptably harm the character and appearance of the area. Therefore, the proposed development would accord with Policy 4 and Policy 37 of the Local Plan (January 2019) which seek to, amongst other things, ensure all housing development achieves high standards of design and layout and positively contribute to the existing street scene.

Other Matters

9. I have taken into account concerns from local residents including overlooking, highway safety, shortage of parking and biodiversity. With regard to the potential for overlooking, I am satisfied that the property would be located at a sufficient distance from existing properties that overlooking would not be a significant issue particularly as the windows facing the nearest dwellings would serve bathrooms. The Council have commented that the number of spaces and arrangement of the parking and visibility from the access are satisfactory and I have no reason to consider otherwise. In terms of biodiversity, no trees will be removed as a result of the development and there is no evidence before me that any harm to biodiversity would occur.

Conditions

10. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
11. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have not imposed the Council's suggested condition requiring the external materials to match the existing building as there is no existing building on the site in this case so the condition is not necessary. The condition specifying the relevant plans, which include details of materials, will ensure the materials used protect the character and appearance of the area.
12. In respect of highway safety, a condition is necessary to ensure the parking space is appropriately sized and provided prior to occupation of the dwelling and that this is retained. I have not included the part of the suggested condition requiring a 6m manoeuvring space as this is not achievable within the site. A condition is necessary to ensure the completion of refuse storage arrangements before occupation of the development to protect and character and appearance of the area. Approval of a surface water drainage scheme is also necessary to protect against flood risk.
13. A further condition has been suggested by the Council, which the appellant disagrees with, to control the construction of buildings, structures, extensions, alterations, walls or fences in the curtilage of the new dwelling, under rights conveyed by the Town and Country (General Permitted Development) Order. Such conditions can only be imposed in exceptional circumstances and where there are clear reasons for imposing them. I have no evidence before me to demonstrate that such a condition would be necessary.

Conclusion and Recommendation

14. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR