



Appeal Decision

Site visit made on 12 September 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/G5180/W/19/3229634

Oakdene, 51 Bourne Way, Hayes, Bromley, BR2 7HA

- 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 Oakdene Bromley Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05651/FULL1, dated 14 December 2018, was refused by notice dated 21 March 2019.
 - The development proposed is construction of two storey side extensions on either side of the existing building to create 4 x 1 bedroom, 1 person flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area
 - the living conditions of the neighbouring occupiers of 31-36 Kemsing Close with particular regard to outlook.

Reasons

Character and appearance

3. The appeal property, Oakdene, is a three storey, T-shaped building containing 9 flats. The site is located close to the centre of Hayes, but the surrounding area is suburban in feel, characterised by a mix of residential development. Close to the appeal site are other flatted developments including a large four storey building on the opposite side of Bourne Way and a number of three storey blocks on Kemsing Close, which borders onto the appeal property along the south eastern side. On the other side of the appeal site, moving away from Hayes centre, the properties change to detached and semi-detached houses.
4. Oakdene is set in a triangular shaped plot, with parking at the front and a row of garages to the side. The plot is wide along the road frontage, with a substantial area of soft landscaping and grassed amenity space along the front and sides of the building, and a more limited amount of space at the rear. Although the building itself is not of any particular architectural merit, its setting in a wide landscaped plot with trees and shrubs along the boundaries adds positively to the character of the area. This is particularly the case because Oakdene has more extensive landscaped areas than most of the

- buildings around, and so the site plays an important role in softening and greening the area.
5. Planning permission has recently been granted to add a fourth storey to the building to provide an additional 3 flats. The development now proposed would provide a further 4 flats by extending both sides of the building at two storey level. The extensions would continue the existing front building line and, following the shape of the plot, would be widest at the front and taper to the rear. They would respect the design and materials of the existing building with balconies on the front elevations.
 6. The proposed side extensions would each be approximately half of the width of the existing building so taken together would have the effect of almost doubling it's width. The height of the proposed extensions would be significant in relation to the existing building with their roof lines corresponding with the middle of the existing third floor balconies. Overall, the proposed width and height of the extensions would result in a significant increase in the scale of the building. The increase in the overall scale of the building, which would take up the majority of the plot width, would impact significantly on local character and give a more urban, built up feel to the area.
 7. Whilst the building is well set back from the road frontage and open space would be retained at the front of the building, there would be a significant reduction in amenity space at the sides. From the street this would be particularly noticeable on the side bordering onto 57 Bourne Way which is more open and less vegetated in character. Furthermore, the remaining landscaped area on that side of the building would need to be used more extensively for parking which, despite the use of grasscrete for the turning/parking area, would reduce the green character further. I acknowledge that there would be space retained at the sides of the building which would meet the Council's space standards and that other buildings in the surrounding area have smaller gaps between. Nevertheless, the reduction in open space and its replacement with a substantial building with additional parking would cause harm to the character of the area as well as reducing the amount of usable amenity space for residents.
 8. The development, if permitted, could result in loss of or damage to trees on the site. Although limited information has been provided, the appellant has referred to the replacement of the existing trees and vegetation along the south eastern boundary with a 2 metre fence and planting to provide visual screening to the adjacent flats at 31-36 Kemsing Close (Nos 31-36). I note the appellant's comment that the existing trees are poorly maintained and not protected, and therefore could be removed at any time. However, loss of the trees would come as a direct result of the proposed development, without which there would be less likelihood of harm occurring. The trees and vegetation along this boundary are visible from the street and contribute positively to the area, as well as providing a pleasant green outlook for residents of Nos 31-36. The loss of these trees would contribute further to the harm to the character of the area, and any replacement planting would take time to become established.
 9. I agree that, if the development was otherwise acceptable, measures to ensure the protection of the remaining trees on site during and after construction

could be dealt with by condition. However, this would not be sufficient to overcome the concerns identified above.

10. I conclude that for the reasons given the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policies 3 and 4 of the Bromley Local Plan 2019 and Policies 7.4 and 7.6 of the London Plan 2016, which set out requirements for new housing developments, including those in garden land, to be of a high quality design and layout and to respect local character. The proposed development also conflicts with Policy 73 of the Bromley Local Plan concerning the retention and replacement of trees.

Living conditions

11. Running parallel to the south east boundary of the site is 31-36 Kemsing Close (Nos 31-36), a three-storey block of flats. Views of Oakdene from the rear windows of Nos 31-36 are currently screened by the trees and shrubs along the boundary but this vegetation is proposed to be removed. The proposed 2 metre fence would reduce the height of the screening and provide a less attractive outlook for residents, although replacement planting would help to mitigate this over time.
12. The proposed development would bring Oakdene closer to some of the flats within Nos 31-36 but it would not affect them all to the same degree, due to the siting of the buildings at angles to one another. Despite being closer, a reasonable separation between the buildings would be retained and I note that Oakdene is positioned at a slightly lower level than Nos 31-36. These factors would limit the visual impact of the proposed development on Nos 31-36 and on balance I consider it to be acceptable.
13. I conclude on this issue that the proposed development would not cause undue harm to the living conditions of the occupiers of Nos 31-36 with regard to outlook. As such it complies with the provisions of Policy 3 of the Bromley Local Plan relating to impact on residential amenity. Policies 4 and 6 are included in the Council's second reason for refusal but do not relate specifically to living conditions so are not directly applicable to this issue.
14. Whilst the proposed development would be acceptable in terms of its effect on the living conditions of neighbouring occupiers, this does not outweigh my findings in respect of character and appearance.

Other Matters

15. I acknowledge that the appeal site is in a suitable location for additional residential development with good access to public transport and local services. The proposal would provide an acceptable standard of accommodation with adequate parking. The proposal would have modest economic benefits including employment during the construction phase and additional household spending in the local economy. The Council's highways officer has not objected to the proposal and I have no substantive reason to come to a different view. However, these positive factors are not sufficient to allow development which is unacceptable for other reasons to proceed.
16. Whilst the proposed development would provide a modest social benefit in terms of additional housing, it would not safeguard or improve the environment as paragraph 117 of the Framework promotes, nor would it make use of underutilised brownfield land. The Framework definition of previously

developed land specifically excludes land in built up areas such as residential gardens, and rather than being underutilised, the site provides amenity space for residents as well as contributing positively to the character of the area.

17. The appellant has referred to the presumption in favour of sustainable development as set out in the Framework. In this case, whilst the proposal has modest economic and social benefits, it does not meet the environmental objective due to its failure to protect and enhance the built environment. The proposal does not accord with the up-to-date development plan and the presumption does not apply.
18. Whilst the proposed development would be liable to pay CIL, this is required to satisfy other objectives which serve a different purpose. As such this holds neutral weight in favour of the proposed development

Conclusion

19. For the reasons given, the appeal is dismissed.

R Morgan

INSPECTOR