
Appeal Decision

Site visit made on 8 October 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/G5180/W/19/3233097

1 Hilda Vale Close, Orpington, Kent BR6 7AH

- 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 Jason Powel against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/01876/FULL1, dated 25 April 2019, was refused by notice dated 14 June 2019.
 - The development proposed is described as “two storey extensions at the front and roof conversion to form 5 two bedroom flats with associated car parking and cycle store”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) on the living conditions of future occupiers with specific regard to outdoor amenity space.

Reasons

Character and appearance

3. The appeal site is a large, prominent, extended dwelling on a corner plot, clearly visible from the A21 Farnborough Common, and in long and short views within the estate. The area has a mixture of detached, semi-detached and terraced properties in a variety of styles and materials, generally set within, or having access to, private outdoor space.
4. Despite its size and previous alterations, the appeal site has a generally simple, restrained form, in keeping with the overall character of the area.
5. The proposal would result in a large, prominent building in the street-scene being made more so, through the addition of flat-roofed dormers to the rear and pitched-roof dormers, terracing and railings to the front. These would add an uncharacteristic degree of complexity to both the roof and the front elevation.
6. Coupled with the extension to the front, the proposal would increase the apparent size, bulk, and prominence of the building, despite not increasing its length or overall height.

7. I note the argument of the appellant that both the appeal site and building are already larger than others in the area and their suggestion that as the existing alterations are not sympathetic to the character and appearance of the main building the proposals would be an improvement.
8. I acknowledge that the plot is large relative to the building, and that the building itself already appears larger than most others in the, admittedly mixed, street-scene. The proposed alterations would however serve to further highlight the differences in size, form and scale between the appeal site and neighbouring properties, and this would be harmful to the character and appearance of the area.
9. As such, I consider that the proposal would not respect the character and appearance of the area and would not deliver the high standard of design and layout which complements the scale, proportion and form of the existing area, required by the development plan. It would therefore harm the character and appearance of the area.
10. I note the submission of the appellant that all the buildings in Hilda Vale Close are flats, and the response of the Council. However, it is the size, form and scale of the appeal proposal that I have found harmful to the character and appearance of the area. I note also the comments of both parties concerning the parking area. However, as the area is already hard-surfaced, it does not alter my findings on the harm set out above.
11. The proposal therefore conflicts with Policies 4 and 37 of the London Borough of Bromley Local Development Framework Local Plan, January 2019 (the Local Plan). It would also conflict with the aim of the National Planning Policy Framework (the Framework) to achieve well-designed places, sympathetic to local character.

Living conditions

12. Considering the size of the existing dwelling, its rear garden is smaller than would be expected and its division into two private terraces and communal gardens would further reduce its apparent size. Whilst I understand that the outdoor space has been proposed in order to allow private space for the two ground-floor flats, the private and communal outdoor space that results is likely to be of poor quality and limited practical use due to its limited size and sense of enclosure.
13. I have also had regard to the provision of a communal garden in the proposal. Although this would be accessible to all residents, its shape, size and relationship to the proposed flats leads me to consider that it would not be suitable replacement for private outdoor space for those flats which have none. The proposal would also result in a number of relatively tall fences in close proximity to each other which would further reduce the quality of both the private and communal outdoor spaces.
14. In considering the suitability of the outdoor amenity space proposed, I am mindful of the requirement in Policy 4 of the Local Plan for "*sufficient, external, private amenity space that is accessible and practical*" and the overarching aim of the development plan to ensure a high standard residential environment.

15. The Mayor of London Housing Supplementary Planning Guidance, March 2016 (the SPG) also highlights the importance of private open space and refers to the need for it to be of a practical shape and utility. Whilst I note the size of the private space provided for three of the flats, and the size of the communal space, I do not consider that the appeal proposal achieves the quality of space required.
16. The appellant has drawn my attention to a public park, which they suggest mitigates against the lack of private amenity space for two of the five flats proposed. However, although there are footways between it and the appeal site, I do not consider that it is so closely located, or so conveniently accessed, as it would require the crossing of a well-used road, that it would replace the need for sufficient external, private amenity space on the site for each unit.
17. The appellant suggests that there are many developments in London Boroughs with no private amenity space. However, given the character and appearance of this area, outlined above, I do not consider that this is appropriate in this location.
18. The proposal would therefore harm living conditions of future occupiers with specific regard to outdoor amenity space and would therefore be contrary to Policy 37 of the Local Plan, Policy 3.5 of the London Plan 2016 and the SPG; all of which seek, amongst other things, to ensure the provision of high quality, practical, usable private outdoor space, which meets the needs of residents. The proposal would also conflict with the aim of the Framework to create places with a high standard of amenity for future users.

Other Matters

19. The appellant has drawn my attention to a block of flats, granted permission on appeal¹ at "Wellclose" further along the A21 Farnborough Common. Although I have not been provided with the full text of this appeal decision, I was able to view it on my site visit. Given the different setting, fronting the main road, and the appearance of it as a purpose-built block of flats, I do not consider that it offers support for the appeal proposal before me, and in any event, I have considered the proposal on its own merits.
20. The appellant has suggested that the presumption in favour of sustainable development in paragraph 11 of the Framework weighs heavily in favour of the proposal. They also suggest that the proposal would optimise the potential of the site, in line with the Framework.
21. The development plan is the starting point for decision making, and there is no evidence before me to suggest that the development plan, or any relevant policies are out of date.
22. The Framework encourages the delivery of housing, recognising the potential of windfall and small-scale development to boost the supply of housing and encourages the effective use of land to ensure that development optimises the potential of sites resulting in both social and economic benefits. However, this is qualified against the need to achieve well-designed places.

¹ APP/G5180/W/15/3004561, dated 23 July 2015

23. I accept that the site is close to public transport links and a range of services and facilities. I also acknowledge that the development would be constructed using sustainable development techniques incorporating renewable energies, that the development would not impact on the living conditions of adjoining occupiers, that the materials may be acceptable, and that the development would provide acceptable levels of parking.
24. However, the harm I have found in relation to the effect of the proposal on the character and appearance of the area, and in relation to the living conditions of future occupiers with specific regard to outdoor amenity space, leads me to conclude that the proposal would not meet the aim of the Framework to achieve well-designed places.
25. Therefore, this leads me to conclude there are no material considerations that indicate a decision should be taken other than in accordance with the development plan.

Conclusion

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

S Dean

INSPECTOR