

## Appeal Decision

Site visit made on 22 October 2019

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> October 2019**

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**Appeal Ref: APP/G5180/W/19/3234731**

**12 Woodley Road, Orpington, BR6 9BN**

- 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 & Mrs A Boyd against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/19/01208/FULL1, dated 8 March 2019, was refused by notice dated 28 June 2019.
  - The development proposed is the demolition of existing detached garage and erection of a pair of two storey semi-detached 3 bedroom dwellings with accommodation in the roof-spaces, associated car parking, refuse/cycle storage, amenity areas and landscaping.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. Woodley Road and its surroundings are part of a planned residential area, with a consistency of house-type, form and finish that gives a cohesive and coherent character and appearance. The area has a generally spacious and green character and appearance, which is emphasised by the presence of street trees and relatively narrow streets, set against relatively generous green areas and plot sizes. Despite alterations to various dwellings over time, this character and appearance has been maintained.
4. Owing to the way in which the road and houses around it have been laid out, this part of Woodley Road has a pleasant degree of symmetry. The appeal site and its immediate neighbours are set behind a relatively large, open central space, variously used for parking or front gardens, which further adds to the spacious and generous character of the area.
5. The infilling of the existing break in the building line would reduce the open and spacious character and appearance of the area and the houses within it. The relationship of the appeal proposal to the host dwelling in particular would be uncharacteristically close. The overlap of the two properties, which would be visible in the wider street-scene, would further emphasise the difference between the spacious and generous layout of the original estate, and the appeal proposal.

6. The increased amount of hardstanding required to provide the parking and manoeuvring area, coupled with the retaining wall to address the changes in level would erode the character of the immediate area by breaking up the open character of the space to the front of the dwellings. I accept that there are relatively large areas of hardstanding within the street, particularly at Nos 14 and 16. However, elsewhere the level changes are much more subtly dealt with, and the open character of the central space is retained, despite the presence of hedging and other similar boundary treatments.
7. I note that the protected trees would be retained, and I accept that the dwellings would offer sufficient internal and external space, having regard to space standards, would cause no overlooking or loss of privacy, would be constructed of suitable materials, are of a suitable design and that there were no technical objections to the proposal.
8. However, I do consider that the appeal proposal would have a more cramped and less spacious character and appearance than existing dwellings. In particular, the overlap of the appeal proposal with the front wall of the host property would highlight the difference in terms of space and setting between the existing properties and the appeal proposal. I consider therefore that the proposal would cause significant harm to the character and appearance of the area.
9. The appellant notes that the Council cited no conflict with "backland and garden land development" policy. Notwithstanding that, the Council decision was concerned with the effect of the proposal on the character and appearance of the area, and I have found harm in that regard.
10. The proposal therefore conflicts with Policies 4 and 37 of the London Borough of Bromley Local Development Framework Local Plan, January 2019, which seek, amongst other things, to ensure that development respects local character, recognises and complements its surroundings and contributes positively to the street-scene.

## **Planning Balance**

11. The appellant has provided evidence to suggest that the Council cannot currently demonstrate a five-year supply of deliverable housing sites and as such, the policies which are most important for determining the application are out of date and the tilted balance at paragraph 11d of the National Planning Policy Framework (the Framework) applies. In response, the Council highlights the test in paragraph 11dii of the Framework and suggests that recent decisions may have helped to address shortcomings in their position.
12. Notwithstanding the benefits of the proposal suggested by the appellant, I have found that there is significant conflict with the development plan in terms of the harm which the proposal would cause to the character and appearance of the area.
13. I accept that small sites have an important cumulative role in the delivery of housing. However, I consider that the requirement in the Framework for increased housing delivery, increased density and efficient use of land is qualified by the need to ensure that development is not harmful to the existing character and appearance of an area. The development plan is consistent with

the Framework in this regard, so I find that the proposal also conflicts with the Framework.

14. As a result, applying the test in paragraph 11d of the Framework, the harm to the character and appearance of the area would be an adverse impact which would significantly and demonstrably outweigh the limited benefits offered by two dwellings when assessed against the policies in the Framework taken as a whole.
15. Accordingly, 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**

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

*S Dean*

INSPECTOR