



Appeal Decision

Site visit made on 16 September 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019

Appeal Ref: APP/G5180/W/19/3232807

34 Hollingworth Road, Petts Wood, Orpington BR5 1AQ

- 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 and Mrs Bolton against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/18/04612/FULL1, dated 10 October 2018, was refused by notice dated 2 April 2019.
 - The development proposed is a new detached dwelling with associated parking and garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of the adjacent residential properties.

Reasons

Character and appearance

3. The appeal site comprises approximately 525m² of land that currently forms part of the rear garden area of number 34 Hollingworth Road. It is proposed to demolish an existing detached garage and subdivide the existing garden to allow the construction of a new two storey, two bedroom, dwelling house.
4. The surrounding area is predominantly comprised of semi-detached houses and bungalows in relatively large gardens. Immediately to the north of the appeal site, on Prescott Avenue, are semi-detached buildings containing four flats. To the west of the appeal site, on Laburnum Way and adjoining streets, the built form includes terraced houses in addition to semi-detached properties. In the immediately surrounding area, detached dwellings, such as the donor property, are very rare. On Hollingworth Road and the southern part of Prescott Avenue the presence of groups of buildings of very similar design create a degree of homogeneity but also create strong building lines and establish a distinct visual rhythm. At junctions, the long rear gardens of properties on the principal

street are evident on the secondary street and add a sense of openness to area. Adjacent to 34 Hollingworth Road are a small, single storey, church and church hall with a car parking area to the front.

5. When read together, Policies 7.4 and 7.6 of the London Plan 2016 (the London Plan) and Policies 4 and 47 of the London Borough of Bromley Local Plan 2019 (the Local Plan) expect new development to be of a high standard of design that has regard to its context.
6. Although it would be constructed within the curtilage of 34 Hollingworth Road, the proposed new house would face onto and be accessed from Prescott Avenue, and would relate more to that street. It would sit proud of the main gable wall of the donor property and only align with a single storey conservatory addition to that property. The new dwelling would also be sited well in front of the building line on Prescott Avenue. The west side of Prescott Avenue adjacent to the appeal site has a very strong rhythm formed by the frontages of the flats with their projecting front wings and double height bay windows. The new dwelling, although using similar materials would break that pattern by having a gabled roof rather than the hipped roofs of the flats and having a wholly different solid to void ratio. This would be exacerbated by its position in front of the building line of Prescott Avenue and siting beyond the gable wall of the donor property, increasing its visibility and making it prominent in views south down Prescott Avenue, from where the gable end would be clearly visible. I recognise that design cues, such as the gabled, roof have been taken from the donor property. However, that house has its principal elevation to Hollingworth Road where the properties have gabled roofs. It would also be inconsistent with the houses opposite on the east side of Prescott Avenue which, although these have gabled roofs, additionally have paired, double height bay windows and a different solid to void ratio to the appeal proposal. These properties are set further back from the highway than the proposed new dwelling, with driveways to the front, resulting in deeper front garden areas.
7. As it would sit forward of the main gable wall of the donor property, the new dwelling would be visually prominent when turning into Prescott Avenue from Hollingworth Road. At present the long rear garden areas of the donor property and that of the house on the opposite side of the junction, at 32 Hollingworth Road, create a sense of openness at the junction leading into Prescott Avenue. The houses on Prescott Avenue are set back from the highway to accommodate driveways to the front and give the street an open and spacious appearance. The insertion of a new, two storey, building into this space would substantially erode this sense of openness.
8. The proposal would result in the subdivision of an existing property curtilage to create a new building plot. Whilst the National Planning Policy Framework (the Framework) encourages more efficient use of land in built up areas and none of the policies cited in the reason for refusal set criteria for the provision of amenity space associated with dwellings, this needs to be considered alongside the policy requirements in the development plan and the Framework for new development to have regard to the character and quality of the surrounding area. The resulting plot sizes for both the proposed new house and existing property would be much smaller than, and inconsistent with, others in the area.

9. Taken together, as a result of the inconsistency with the prevailing built form, these factors would result in a harmful change to the character and appearance of the area.
10. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of London Plan Policies 7.4 and 7.6, or Policies 4 and 47 of the Local Plan.

Living conditions

11. The proposed new dwelling would be located within the current rear garden of number 34 Hollingworth Road with the gable elevation facing the rear elevation of the existing house. The Council state that the distance between the new building and the existing house would be approximately 6.5 metres and this is not disputed by the appellant. The rear elevation of the existing house has windows to the principal living space and a kitchen at ground floor level, and windows serving a bedroom and bathroom at first floor level. The proposed new dwelling would present a blank gable wall to the rear elevation of the original house.
12. Although the lack of any windows in this gable elevation would prevent any loss of privacy, due to its height and proximity, this new gable end would appear unduly dominant and excessively oppressive at the rear of existing house. This would have a significant effect on the outlook from windows of habitable rooms to the rear. I accept that there are no set separation distances in the policies of the Local Plan or in the Mayor of London's Housing Supplementary Planning Guidance 2016. However, this does not mean that proximity is unimportant or will not cause harm. Moreover, the Framework requires that new development provides a high standard of amenity for existing and future users of land and buildings. As a result of its height and proximity the proposed new dwelling would have a significant adverse effect on the occupiers of the existing house at 34 Hollingworth Road.
13. The proposed new dwelling would be set largely in front of the existing flats at 70 and 72 Prescott Avenue. There are windows and doors present on the main flank elevation of this building facing the appeal site. However, these appear to serve kitchens and bathrooms and, as they would be behind the rear wall of the proposed new dwelling, the effect on the outlook from these windows would be small. I also note that the new dwelling would be outside the 45 degree angle of view from the front bay windows within which it is possible that a new structure may affect outlook. No windows are proposed in the gable elevation of the new dwelling and, consequently, it would not affect the privacy of the occupiers of the flats. The proposed dwelling would be situated to the south of number 70 and 72 and separated by approximately 6.2 metres. As a result of its height and proximity, the new dwelling has the potential to cast a shadow over the adjacent building, particularly the ground floor bay window on the front elevation. No daylight and sunlight assessment has been provided and as a result it has not been fully demonstrated that the proposed development would not have an adverse effect on the living conditions of the occupiers of these properties. This notwithstanding, even if the proposed development would not affect the occupiers of the flats at 70 and 72 Prescott Avenue, this would not overcome the harm to the living conditions of the occupiers of number 34 Hollingworth Road.

14. I conclude that the proposed development would cause harm to the living conditions of the occupiers of the adjacent residential properties. It would not comply with the relevant requirements of London Plan Policy 7.6 or Local Plan Policy 37 which expect new development to not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings.

Other matters

15. It is common ground that the appeal proposal would meet the internal space standards set out in the Technical Housing Standards – nationally described space standard and that accessible and practical external space, exceeding the 5m² minimum provision required by the Mayor of London's Housing Supplementary Planning Guidance would be formed. From what I have read and from what I saw when I visited the site, I have no reason to find otherwise.
16. I have had regard to the concerns raised in respect of parking in the area. There are no parking restrictions in streets near the appeal site area. At the time of my site visit there was some on-street parking occurring but there were still numerous parking places available and there was no indication that the area is subject to parking stress. I realise this is merely a snapshot of conditions at the time and that parking demand may be greater in the evenings and at weekends particularly due to the presence of the church times may differ. I am, however, mindful that the appeal proposal would provide one off street parking space for the new dwelling and that parking for the existing house would still be available on its frontage as at present. I also note that there have been no objections to the proposal from the Highway Authority. In these circumstances, I am satisfied that any additional parking demand that may be generated by the appeal proposal could be accommodated in the area.
17. Whilst these elements of the proposal may be acceptable, they do not, either individually or collectively, outweigh the other harm that I have found.

Conclusion

18. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposed development would conflict with policies in the development plan that are most relevant to determining the appeal. It is not argued that the policies in the development plan are not up to date, nor is it suggested that the Council cannot demonstrate a deliverable five year supply of housing land. No other material considerations have been identified that would justify granting planning permission for a development that does not comply with the policies of the development plan.
19. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR