



Appeal Decision

Site visit made on 4 November 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/G5180/W/19/3229270

Land east of Commonsides, Keston, Bromley BR2 6BP

- 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 P Beckingham against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05112/FULL1, dated 13 November 2018, was refused by notice dated 21 February 2019.
 - The development proposed is erection of a detached dwelling house, access, refuse store, means of enclosure and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling house, access, refuse store, means of enclosure and associated landscaping at Land east of Commonsides, Keston, Bromley BR2 6BP in accordance with the terms of the application, Ref: DC/18/05112/FULL1, dated 13 November 2018 subject to the attached schedule of conditions.

Main Issues

2. The main issues are i) whether the proposal would preserve or enhance the character and appearance of the Keston Village Conservation area and ii) the effect of the proposal on the living conditions of neighbouring residents with particular regard to privacy and outlook.

Reasons

Keston Village Conservation Area

3. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas. Policy 41 of the London Borough of Bromley Local Plan 2019 (LP) also seeks to protect and enhance the character of Conservation Areas within the Borough.
4. The appeal site is situated to the rear of nos 15-21 Commonsides, within Keston Village Conservation Area (CA). The CA largely comprises the historic core of the village which runs north to south along Commonsides and Heathfield Road. The immediate surrounding area is predominantly residential, there are a range of property styles and types set within varying plot sizes but overall there is a pleasant, spacious and verdant character.

5. The appeal proposal is a detached dwelling which would be positioned centrally within a vacant, overgrown parcel of land that is bounded on all sides by existing residential development. The property would be accessed via a narrow lane which currently provides access to another property located opposite the appeal site. Beyond the appeal site the lane narrows further but provides pedestrian access to the east into Keston Gardens. I note that the Council's highways officer has made no objection to the proposed access arrangement and I have no reason to disagree with this view.
6. The proposed dwelling would be of a scale commensurate with existing built form within the location and whilst I appreciate that it would be a modern introduction, the proposed materials, elevational design and detailing would complement the range of property types within the area. Furthermore, I consider that the siting of a single dwelling within the plot would be in-keeping with the surrounding development and the spatial characteristics of the CA.
7. The proposed dwelling would be discreetly sited behind a row of semi-detached properties but within close proximity to other detached, individually designed properties. It would sit approximately 25 metres from the closest elevations of adjacent properties. Therefore, it would be well spaced from the traditional properties within the CA and from the more modern properties which sit outside of the CA to the east.
8. I note that the Council's Conservation Officer concludes that the appeal site makes little or no contribution to the CA due to its secluded position and unkempt nature. I would not disagree with this view.
9. Consequently, I find that the siting and design of the proposed dwelling would not appear as an overly intensive form of development nor would it fail to preserve the character and appearance of the CA. I therefore find no conflict with Policies 3, 4, 37 and 41 of the Bromley Local Plan 2019 (LP) which collectively, amongst other things, promote good design that protects and enhances the character and appearance of the local area and CA.

Living Conditions

10. The proposed dwelling would sit perpendicular to the properties at nos 15-21 Commonsides, approximately 6 metres from the shared boundaries but in total around 30 metres from the rear elevations of 15-21 Commonsides and 25 metres from the rear elevations of Keston Gardens. Consequently, due to the substantial separation distance, there would be no harmful effect on the living conditions of the occupiers at these properties and whilst I appreciate that the view from the rear windows would change due to the development of the site, owing to its scale and position (similar to that of the existing built form) it would not be overly dominant.
11. Furthermore, I note the appellant's commitment to retaining existing trees and the provision of boundary fencing and additional landscaping which I consider would assist in minimising the perceived impact of the development in terms of privacy. I acknowledge that during the winter months foliage will inevitably provide less screening and there is a potential for increased visibility into and out of the site. However, given the position of the proposed dwelling away from shared boundaries and the large areas of private amenity space associated with the neighbouring properties I do not consider that there would

be any significantly harmful effect on privacy or outlook regardless of the time of year.

12. Taking the above points together I therefore find no harm to the living conditions of occupiers of the neighbouring residential properties in terms of privacy or outlook. As a result, I find no conflict with the relevant provisions of Policies 3 and 37 which require new development to not have an unacceptably adverse effect on the amenity of neighbouring properties.

Other Matters

13. I have taken into account all representations made by other interested parties.
14. I have considered comments made about a reduction in property values. The Courts have held that this is not a material planning consideration. In any event, I have no objective evidence before me to demonstrate that the proposal would lead to a reduction in property values.
15. I appreciate that the existing access to the site is along a narrow lane which also provides vehicular access to neighbouring property, Willow Grange. I note that there has been significant comment from third parties with reference to highway safety and the disruption caused by deliveries and additional traffic during the construction phase. Nevertheless, there has been no objection from the Council in respect of these matters and I am in receipt of no substantive evidence that would lead me to the conclusion that the access would be harmful to highway safety or the safety of pedestrians or that the increase in vehicle movements from one additional dwelling would be detrimental to highway safety.
16. I have considered comments made about wildlife on the site and the appellant's Preliminary Ecological Appraisal (PJC Consultancy). Based on the evidence before me, I conclude that subject to the implementation of the recommended scheme of ecological enhancements as set out in section 4.5 of the report, the proposal would not cause harm to wildlife or matters of biodiversity.
17. I acknowledge the comments made with reference to protected trees within the appeal site and have considered these alongside the appellant's Arboricultural Survey, Impact Assessment and Method Statement (PJC Consultancy) and the comments made by the Council's Tree Officer. I note that the trees considered to be most significant are to be retained. I would therefore concur with the Council's Tree Officer that the proposal, subject to the implementation of the recommended mitigation strategy would not have an unacceptable impact on the trees.
18. I note the comments made by a third party with reference to the difficulty servicing the appeal site with water, gas and electricity. However, in respect of these matters there are no objections made by internal consultees within the Council or by other statutory consultees. Therefore, and in the absence of any objective evidence to demonstrate that the proposal would not in principle be capable of being accommodated on the site from an existing services point of view, I am not persuaded that the proposal would lead to any significant adverse effect in this regard.
19. Finally, with regard to comments made about land ownership, there is nothing compelling before me to suggest that ownership certificates were incorrect. If

it transpires at a later stage that there are other owners of the land, then that may or may not preclude the implementation of the planning permission.

20. None of the other matters raised outweigh my overall conclusion on the main issues.

Conditions

21. The conditions set out in the accompanying schedule are based on those suggested by the Council. In the interests of precision and clarity, where necessary, I have amended the wording of the suggested conditions and removed those that are repetitive in order to comply with advice in the Planning Practice Guidance.
22. In the interests of clarity and certainty I have imposed the standard time limit in which the development should be commenced and a condition specifying the approved plans. In the interests of safeguarding the character and appearance of the area, I have also imposed conditions in relation to the submission of materials, landscaping details and the protection of trees.
23. In the interests of the living conditions of the occupiers of the proposed dwelling and surrounding dwellings, it is necessary to impose conditions relating to drainage/surface water scheme details, site levels and external lighting, refuse storage and a construction management plan. It is necessary to make the agreement of a construction management plan and site levels subject to pre-commencement conditions in order to ensure the development is carried out in accordance with the approved details. This has been agreed in writing with the appellant.
24. In the interests of highway safety, it is necessary to impose conditions that relate to on-site parking and the provision of vehicle turning areas. I have also imposed a condition which requires provision for bicycle storage which seeks to encourage the use of sustainable modes of transport.
25. I have omitted a suggested condition which relates to Building Regulations as it seeks to duplicate controls that exist elsewhere and is therefore unnecessary.
26. In relation to the removal of permitted development rights, the PPG is clear that conditions restricting permitted developments rights will rarely pass the test of necessity. Acknowledging the size of the appeal site and its position within a residential area coupled with the substantial separation distances involved I do not consider it reasonable to ensure that any future changes are subject to the control of the local planning authority. Consequently, I have not removed permitted development rights.
27. Finally, in accordance with para 170 of the Framework which requires planning policies and decisions to provide net gains to biodiversity, I have imposed a condition requiring the implementation of a series of ecological enhancements as set out in the submitted Preliminary Ecological Appraisal (PJC Consultancy).

Conclusion

28. For the reasons outlined above, and taking into account all other matters raised, the proposed development would not have a detrimental impact upon the living conditions of neighbouring residents; the character and appearance of the area and would preserve the character and appearance of the CA.

Therefore, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Hunter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan nos: 18012-P-200D, 18012-P-300C, 18012-P-700D, 18012-P-800C.
- 3) No site clearance, preparatory work or development above floor slab level shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) (a) Notwithstanding the submitted Preliminary Ecological Appraisal hereby approved, further details regarding the implementation on site of the recommendations at Section 4.5 shall be submitted to and approved by the local planning authority prior to the commencement of any development above floor slab level. (b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 5) The dwelling hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 18012-P-200 D for two cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) wheel washing facilities;
 - iii) measures to control the emission of noise, dust and dirt during construction;
 - iv) delivery, demolition and construction working hours.
 - v) Details of construction traffic movements including cumulative impacts which shall demonstrate the following;
 - a. Rationalise travel and traffic routes to and from the site as well as within the site.
 - b. Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - c. Measures to deal with safe pedestrian movement.
 - d. Full contact details of the site and project manager responsible for day-to-day management of the works.
 - e. A swept path drawing for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed dwelling, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 9) No development above floor slab level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include
- i) A scaled drawing showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species and no invasive species;
 - ii) Full details of a specimen lime tree (container grown);
 - iii) A statement setting out the design objectives and how these will be delivered;
 - iv) Means of enclosure and retaining structures;
 - v) Boundary treatments;
 - vi) Vehicle parking layouts and hardstanding;
 - vii) Hard surfacing materials;
 - viii) Lighting, floodlighting and CCTV;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed

scheme shall be maintained in accordance with an approved scheme of maintenance.

- 10) No development above floor slab level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 11) The dwelling hereby permitted shall not be occupied until space has been laid out within the site for two bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.