



Appeal Decision

Site visit made on 11 November 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2020

Appeal Ref: APP/G5180/D/19/3236135

38 Yester Road, Chislehurst, Kent BR7 5HR

- 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 J Hall against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02846/FULL6, dated 24 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is described as 'single storey front porch & attached front/side garage & link canopy roof, front landscaping & new front boundary fence & gates'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of the development above, from the plans and drawings before me, it is clear that the proposal also includes the installation of a vehicle turntable. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the host property and the surrounding area and whether it would preserve or enhance the character or appearance of the Chislehurst Conservation Area;
 - The effect of the development on highway safety, and;
 - The effect of the development on the living conditions of neighbouring residents, with regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site is a detached dwelling located within the Chislehurst Conservation Area (CA). The CA covers an extensive area and incorporates a diversity of forms of development and open space. This part of the CA is characterised by leafy residential streets with a mix of architectural styles

which reflect the historical growth of this low-density suburban area. Front gardens and driveways along this part of Yester Road have minimal boundary treatments, with frontages generally comprising dwarf walls and low-level shrubs or open lawns. This gives the street a pleasant soft-landscaped and spacious open character.

5. 38 Yester Road sits at a slightly elevated position and is stepped back from the adjacent highway, which falls to the south-west. It benefits from a spacious front garden with a low boundary wall and well-kept shrubbery, thereby making a positive contribution to the leafy and spacious character of this part of the CA.
6. The proposal would see the introduction of a new front boundary comprising metal railings supported by brick piers alongside a motorised vehicular access gate and a pedestrian gate. The new boundary would rise to 2.4 metres above the adjacent pavement and fall to 1.8 metres at its lowest point. The new boundary treatment, due to its height and length, would be an obtrusive and incongruous addition to the street scene, harmfully diminishing the spacious open character of the surrounding area. It follows therefore that the proposal would neither preserve nor enhance the character or appearance of the CA.
7. The new porch, canopy roof and attached garage along with alterations to the side facing bay window would not significantly alter the appearance of the property. I find these elements of the proposal to be of an appropriate subservient scale that generally maintains the original design and form of the dwelling. Thus, I do not find these extensions and alterations to be overly dominant or incongruous additions, particularly given the variety of design found along the street. Similarly, the raised level to the front of the new garage, to facilitate the turntable, would not be particularly discernible given its set back from the front boundary and the ability to soften its appearance with shrubs or other landscaping.
8. While third party objectors raise concern over the proposal adding additional space to an already extended property, I do not consider these extensions to be excessive in relation to the size of the plot which can easily accommodate the proposed development.
9. Notwithstanding the lack of harm presented by the proposed extensions and the turntable, I have found the proposed boundary fencing to be harmful. In terms of the National Planning Policy Framework (the Framework) the harm to the character and appearance of the CA would be 'less than substantial'. It is therefore incumbent upon me to give considerable importance and weight to such harm. The Framework advises that this harm must be weighed against the public benefits of the proposal. The development would improve security measures at the site, as I appreciate that the appellant has recently had vehicles stolen from the property. Any reduction in crime is of course a public benefit. However, I am not convinced that the erection of a tall boundary feature is the only way to secure the premises and deter crime. Consequently, this would not be sufficient to outweigh the harm to the CA.
10. Overall, the development would have a significant harmful effect on the character and appearance of the host property and the surrounding area. It follows, therefore, that the proposal would harm the character and appearance of the Chislehurst Conservation Area. This harm is not outweighed by public benefits. This is contrary to the aims of Policies 6, 37 and 41 of the Bromley

Local Plan 2019 (the BLP) and Policy 7.4 of the London Local Plan 2016 which, amongst other things, seek to achieve a high standard of design that respects or compliments the host dwelling and is compatible with the surrounding area, would positively contribute to the existing street scene and would preserve and enhance the character and appearance of conservation areas.

11. The proposal would also fall short of the design guidance set out in the Chislehurst Conservation Area Supplementary Planning Guidance which advises that new or replacement frontage treatments should reflect the height and scale of those found in the locality. In this context, the proposal would also conflict with the provisions of the Framework which seek to conserve and enhance the historic environment and promote high standards of design.

Highway safety

12. Yester Road is a moderately busy road acting as a local distributor in the local highway network and thereby maintaining the flow of traffic from local roads to nearby arterial routes. In the absence of a specification for the proposed electric gate, the Council is concerned that vehicles waiting on the adjacent highway for the gate to fully open will cause unacceptable traffic congestion.
13. In its consultation response, the local Highway Authority did not object to the proposal but instead sought details of the operating system for the proposed sliding gate. This was requested to ensure that the gate had sufficient capacity to allow long distance remote control that would open the gate well in advance of a vehicle arriving at the site and thereby avoid any traffic congestion.
14. I see no reason why this specification could not be secured by a suitably worded planning condition to require the submission and approval of such details prior to the installation of the gate. Accordingly, subject to satisfying the requirements of such a condition, the proposal would not have an adverse effect on highway safety. Thus, I find no conflict with Policy 32 of the BLP which seeks to ensure that road safety is not significantly adversely affected by proposals for development.

Living Conditions

15. In the absence of a technical specification for the proposed vehicle turntable, the Council is concerned that the turntable could give rise to noise and disturbance to nearby residents. However, in my experience this type of installation produces very little noise and is therefore unlikely to result in any significant disturbance to neighbouring occupiers. Its operation is also likely to be of an intermittent frequency throughout the day and therefore any potential disturbance would be further restricted. Indeed, the manoeuvring of vehicles within the site is likely to give rise to higher sound levels and has the potential to cause greater disturbance than the operation of a vehicle turntable that would reduce the need for such manoeuvres.
16. Furthermore, I have no evidence before me that would suggest that vehicle turntables are particularly noisy installations or that such facilities result in significant disturbance to nearby residential occupiers. I am also mindful that the Council could have sought the submission of full technical details via the imposition of a planning condition to secure such details for its approval prior to the installation of the turntable.

17. Consequently, I find that the proposal would not have an adverse effect on the living conditions of neighbouring residents, with regard to noise and disturbance. As such, there would be no conflict with Policy 37 of the BLP which requires developments to respect the amenity of occupiers of neighbouring buildings, ensuring they are not harmed by noise and disturbance.

Conclusion

18. Although I have found that the proposal would not have an adverse impact on highway safety or the living conditions of neighbouring residents, I have found it to be harmful to the character and appearance of the host dwelling and the surrounding area. Thus, it would fail to preserve or enhance the Chislehurst Conservation Area.
19. Accordingly, the appeal is dismissed.

Jeff Tweddle

INSPECTOR