
Appeal Decision

Site visit made on 3 December 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/G5180/W/19/3236849

2 Powster Road, Bromley BR1 5HF

- 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 Richard Lamai against the decision of the London Borough of Bromley Council.
 - The application Ref DC/19/01193/FULL1, dated 8 March 2019, was refused by notice dated 14 June 2019.
 - The development proposed is a three bedroom self contained dwelling after removal of existing garage on land adjacent to 2 Powster Road, Bromley BR1 5HF.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of neighbouring occupants at 46 and 48 Powster Road, with regard for privacy and outlook.

Reasons

Character and appearance

3. The appeal site is a residential corner plot on the bend of Powster Road. It currently comprises of a two storey detached dwelling, with an attached side garage and a spacious side and rear garden. The existing conditions of the appeal site offer a sense of openness to the street scene as you enter from Kynaston Road.
4. Powster Road is predominantly characterised by a distinct pattern of residential development, comprising a mix of evenly spaced two storey detached, semi-detached and terraced dwellings. A notable feature immediately surrounding the appeal site is the use of attached side garages on detached dwellings to link them to the neighbouring detached dwelling. This achieves a uniform and continuous built form appearance throughout the street scene whilst visually reinforcing the rhythm of regular spacing in between these dwellings.
5. The appeal proposal for a new detached dwelling seeks to replicate this pattern but fails to achieve the same sense of spacing as the existing pattern of

detached dwellings. This in part is due to the overall plot size of the appeal site which is too small or irregular in shape to achieve a comparable separation distance between the existing dwelling and that proposed. Consequently, the proposed dwelling would appear cramped within the appeal site and result in a prominent feature, due to its siting, height and bulk, which would dominate the street scene compared to the appeal site's current spacious offering.

6. I note the appellant's arguments that the appeal proposal has been designed to meet the minimum design standards and that the residential plots in the surrounding area vary in size and shape. However, this does not alter my view that the design of the proposed development would appear discordant with the distinct pattern and rhythm of evenly spaced detached dwellings.
7. The appellant also argues that insufficient weight has been attributed to the benefit of providing new housing on the appeal site. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 I have given primary weight to the Bromley Local Plan (adopted 2019) which provides clear policies on how such development is to be provided. As no evidence has been put forward suggesting that the Council are not meeting their five year housing land supply I have no basis to attribute greater weight to the National Planning Policy Framework as suggested.
8. Accordingly, the proposed three bedroom self contained dwelling would harm the character and appearance of the surrounding area. It therefore conflicts with Policies 4 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan (adopted 2016). These policies seek, amongst other things, to ensure that new dwellings respect the local character and spatial qualities of the surrounding area.

Living conditions

9. The proposed siting of the new dwelling towards the rear boundaries of 46 and 48 Powster Road has brought rise to concerns over privacy and outlook. I note that the orientation of development along this portion of Powster Road and Cupola Close results in the rear elevations of these dwellings facing towards each other. Consequently, a degree of overlooking and a sense of enclosure between dwellings and neighbouring rear garden areas already exists.
10. With that in mind, the introduction of the proposed dwelling would in my view achieve a comparable outcome, albeit with a lesser setback than has previously been established. Although closer to the shared boundaries of Nos 46 and 48, the rear elevation of the proposed dwelling would face away from these dwellings and would therefore reduce any direct views between habitable areas which could be considered harmful. Similarly, any views into rear gardens would be incidental and are considered neutral in this instance.
11. With respect to outlook, the prominence of the proposed dwelling and its harmful effect on character and appearance has already been noted. However, with respect to the living conditions of either Nos 46 and 48 I consider the effect to be neutral. In my view the existing pattern of rear garden areas would maintain an appropriate separation distance between the appeal proposal and neighbouring dwellings. The orientation of Powster Road along the side boundary of No 48, and the length of rear garden areas adjoining No 46, offer further visual reprieve from the introduction of a new built form.

12. The appellant has made reference to some existing trees along the rear boundary which may offer some screening between the properties. However, the proposed plans are not clear as to whether these trees are intended to be retained or removed and therefore was not relied upon in my consideration. Notwithstanding this, I maintain the view that the orientation of the proposed dwelling and the separation distance between dwellings established by rear garden areas would avoid any direct views between habitable rooms and any harmful sense of enclosure.
13. Accordingly, the proposed three bedroom self contained dwelling would not harm the living conditions of neighbouring occupants at Nos 46 and 48, with regard to privacy and outlook. It therefore complies, in this respect, with Policy 37 of the Bromley Local Plan and Policy 7.6 of the London Plan. These policies seek, amongst other things, to ensure new development does not adversely harm the living conditions of surrounding properties and their occupants. Notwithstanding the above, these living condition considerations do not outweigh the harm I identified to the character and appearance of the surrounding area.

Conclusion

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

J Gibson

INSPECTOR