



Appeal Decision

Site visit made on 7 January 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Appeal Ref: APP/G5180/W/19/3238072
102 Poverest Road, Orpington BR5 2DQ

- 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 Gups Rana against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02488/FULL1, dated 6 June 2019, was refused by notice dated 3 September 2019.
 - The development proposed is demolition of the existing 3-bed bungalow and erection of a 2-storey residential block of 3 x 2 bedroom and 2 x 1 bedroom flats and associated cycle parking and waste storage at 102 Poverest Road, Orpington BR5 2DQ.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the appeal was lodged by Mr Gops Rana. The applicant subsequently provided clarification in writing that they are the same person. Nevertheless, as the appeal cannot technically be transferred to another person, it must continue in the original name of the applicant. I have therefore considered the appeal on this basis.
3. Despite the description of development set out above, I consider the description found on the Decision Notice and the Appeal Form better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore for 'Demolition of the existing 3-bed bungalow and erection of a 2-storey residential block of 3 x 2 bedroom and 2 x 1 bedroom flats and associated parking spaces, cycle parking spaces, communal amenity areas and waste storage'. I have therefore dealt with the appeal on this basis.

Main Issue

4. The main issues are: -
 - the effect of the proposed development on the character and appearance of the area; and

- whether the proposed development provides adequate living conditions for future occupants, with particular regard to the provision of external space.

Reasons

Character and appearance

5. The appeal site occupies a prominent position at the junction of Poverest Road and Cray Valley Road, within a residential area formed of a variety of house types, including bungalows and two-storey detached and semi-detached houses. Although the design of individual properties is varied, the layout and scale of properties is coherent within Poverest Road, as properties are set back from the street frontage with curtilage parking beyond deep verges and street trees. The relationship between the buildings facing Cray Valley Road is less uniform.
6. The site is roughly triangular in shape, tapering from the front, southwestern corner, along Cray Valley Road to the rear. It is occupied by a single-storey bungalow with a large side and rear garden area. The existing bungalow is unassuming and inconspicuous within the street scene as, like other properties in the vicinity, it is situated below street level. However, as the land slopes to the east and north, the footpaths to the west and the playing fields of the Poverest Primary School are elevated above the site. This increases the visibility of the site within the surrounding area.
7. Taken together, these features make a significant contribution to the character and appearance of the area.
8. It is clear that the proposal would have a much larger footprint than the existing bungalow and would be two-storeys in height. I appreciate that it has been designed having regard to the semi-detached houses nearby that include subservient wings to either side, as the principal form of the proposed building would also be split into three parts. However, all three elements of the front façade would be of greater width than the more modest semi-detached properties found nearby.
9. Furthermore, although the height and depth of the proposal would be comparable with 98 and 100 Poverest Road, this would be achieved by three separate flat roofed areas along the ridgeline of the building. The proposed roof form would be uncharacteristic of the area, as the depth of Nos 98 and 100 is achieved with multiple projections, each with a hipped roof set down from the ridge. This would not therefore reduce the visual prominence of the proposal, which would be of a greater size, scale and mass than the adjacent property.
10. The proposal would be positioned along the same building line as its neighbours and utilise a palette of materials similar to those used in the construction of other houses in the street. However, the design and appearance of the proposed building would not disguise its scale and mass or the resultant visual impact. In particular, the central entrance to the building would set it apart from all semi-detached dwellings in the locality and ensure the building reads as one single large development.

11. The open area of parking at the rear would be considerably smaller than those proposed with the previous appeal schemes¹. Nonetheless, by its very nature it would not be akin to the smaller curtilage areas of parking found in the vicinity of the site. Furthermore, the wide opening in the street frontage required to accommodate the parking and manoeuvring area would weaken the enclosure of the street.
12. The proposed development would not reflect the size, scale, massing and form of other residential buildings found in the local area. The design of the proposal would therefore be visually intrusive and appear dominant and discordant when viewed from Poverest Road and Cray Valley Road.
13. I appreciate that the density of the proposed development would be within the range promoted by The London Plan (Consolidated with Alterations Since 2011, Adopted March 2016) (TLP) for a site of this nature. The proposal could therefore be said to make more efficient use of the site. However, paragraphs 117 and 122 of the Framework are clear that this should include taking into account the importance of securing well-designed, attractive and healthy places. Achieving a higher density of development would not therefore outweigh the harm that I have identified above.
14. For the reasons outlined above, I conclude that the proposed development would be significantly harmful to the character and appearance of the area. Hence, the proposal would not accord with Policies 4 and 37 of the London Borough of Bromley Local Plan (Adopted January 2019) (LP). Together these policies require that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places, by complimenting the scale, proportions, form, layout and materials of adjacent buildings and areas. Developments should therefore positively contribute to the existing street scene.

Living Conditions

15. The proposed development has been arranged to include three 2-bedroom (3 person) flats and two 1-bedroom (2 person) flats, so could therefore be occupied by around thirteen persons, including families. The proposal would not provide any private external space, such as gardens or balconies. As an alternative, the land surrounding the proposed building would include two areas of communal space, the larger of which would be to the front and side of the proposed building. There would also be a separate smaller area to the rear.
16. The larger external communal space would primarily be triangular in shape to the southwestern corner of the site, adjacent to the junction of Cray Valley Road with Poverest Road. During my visit I noted that these were both reasonably well-trafficked roads. The space to the frontage of the proposed building adjoins this area but it would be in close proximity of the pedestrian access from Poverest Road and the substantial boundary formed by the level change at the site frontage. The smaller space at the rear would be situated between the proposed parking area and the boundary of No 100 and enclosed by fencing and an outbuilding in the curtilage of Barmouth, Cray Valley Road.

¹ Appeal References: APP/G5180/W/18/3205324 and APP/G5180/W/18/3211403.

17. Given the quantum of the proposed development, each flat would be served by around 65 square metres of external communal space. Be that as it may, the quality of the communal external space proposed to the front and side of the proposed building would be significantly compromised by the change in level between the street and the ground level within the site. This would make the spaces difficult to use by future occupants of the proposed building. I note that the appellant has suggested that a landscaping condition would ensure that the spaces would be sufficient for occupiers. However, owing to the change in levels, it is likely that the primary function of the spaces would be ornamental rather than usable space. Similarly, the external space to the rear of the site would, for the most part, be a long, narrow and enclosed space, which would be prone to noise and fumes associated with the car parking area adjacent.
18. Given the absence of private external space in the proposal and the quality of the alternative communal space, I conclude that the external space of the proposal would not provide adequate living conditions for future occupants. Hence, the proposal would not accord with Policy 4 of the LP, Policy 3.5 of the TLP and the Housing Supplementary Planning Guidance (TLP Implementation Framework, March 2016) (SPG).
19. Together these policies and guidance require that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places, providing healthy environments and ensuring future occupiers are not harmed by noise and disturbance. This includes the provision of practical external, private and communal space, taking particular account of the needs of children and respecting housing standards in the TLP and its SPG. Private external space should therefore be a minimum of five square metres for 1-2 person dwellings, with an extra one square metre of space provided for each additional occupant.

Other Matters

20. I have had regard to the appeal decisions and corresponding plans for previous developments relating to the site to which I have been referred, in so far as they are relevant to the appeal before me. Nevertheless, I have determined the appeal on its own individual merits.
21. I note that the repositioning of the retaining wall could also place the single mature Sycamore tree within the southwestern corner of the site at risk, as it is positioned close to the boundary of the site and the wall would be too. However, as I have determined to dismiss the appeal on the grounds set out above, I need not address this matter further here.
22. By accommodating four additional units of accommodation, the proposal could contribute to the supply and mix of housing in the Borough. However, given the scale of the proposal, it would be unlikely to have a significant effect on the supply of housing. I also appreciate that the site is within walking distance of the St. Mary Cray Railway Station and the services and facilities in Cray Avenue and there is a bus stop close to the site frontage. Furthermore, I note that the Council did not raise any concerns with regard to the quantum of vehicle and cycle parking spaces, the proposed internal space standards of the proposal or any potential effect on the living conditions of neighbouring occupiers. Nonetheless, consideration of these matters does not lead me to a different conclusion on the main issues.

Conclusion

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

Paul Thompson

INSPECTOR