



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: 24th January 2020

Appeal Ref: APP/G5180/W/19/3237647

63 & 65 Willett Way, Petts Wood, Orpington BR5 1QE

- 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 Scott Gabriel and Mr Arron Gabriel against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02364/FULL6, dated 29 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is described as 'electrically operated security gates to the front driveways of 63 and 65 Willett Way'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the site address in the banner heading from that shown on the Application Form to that found on the Appeal Form, as the proposed development relates to two neighbouring dwellings. I have therefore dealt with the appeal on this basis.
3. Both of the main parties have referred to Policy 7.4 of The London Plan (Consolidated with Alterations Since 2011, Adopted March 2016) (TLP) and paragraphs 127 and 130 of the National Planning Policy Framework (the Framework). I am therefore satisfied that no party would be prejudiced by my reference to these policies. However, I have not found against the Council's *Article 4 Direction for the Petts Wood Area of Special Residential Character*, as it is not a development plan policy or supplementary planning document. I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the Petts Wood Area of Special Residential Character.

Reasons

5. The appeal properties are situated within an area that is residential in character and originates from the 1920s and early 1930s. The layout of the area remains largely intact and the frontages of properties are primarily defined by low enclosures, including boundary walls and/or planting to various extents. Given the nature and extent of the enclosures in situ, including the presence of

- openings for vehicular and pedestrian access, the frontages of properties appear more open to the street and front gardens are visible.
6. These special and distinctive qualities make a significantly positive contribution to the character and appearance of Willett Way and the surrounding streets, so much so that they are designated within the Petts Wood Area of Special Residential Character (ASRC). An Article 4 Direction, removing permitted development rights for gates, fences, walls and other enclosures, applies to the ASRC.
 7. Both of the appeal properties are prominent in the street scene as they are opposite the junction of Willett Way with Greencourt Road. They are currently enclosed by low walls, back-planted by hedges, but there are openings into the hard-surfaced areas at the front of each property. These are comparable with other similar openings in the street.
 8. I appreciate that the proposed gates would be lower than the adjacent hedges, set back from the street frontage and would not be solid in appearance. They would therefore not offend the architecture of Nos 63 and 65. Nevertheless, they would introduce development that would result in the continuous enclosure of the frontage of both properties. This would be harmful to the appearance and interrupted frontage character found within Willett Way and the wider ASRC.
 9. I recognise that there are gates and enclosures in the vicinity of the site and further afield. However, I am not aware of the full circumstances of all of those cases, if the Article 4 Direction was in place at the time they were erected or the policies that may have applied to their consideration. In any event, I have determined the appeal scheme on its own individual merits and the existence of other gates and enclosures would not justify the harm that I have identified.
 10. Similarly, I have been referred to an appeal decision¹, which relates to the houses that are the subject of the current appeal. In allowing the appeal, the Inspector accepted that the houses would not have a detrimental effect on the street frontage as a planted front garden area was to be provided. However, the appeal proposal is for alterations to that frontage and I have identified that there would be harm as a result of this.
 11. In light of the above, I conclude that the proposed development would have a significantly detrimental effect on the character and appearance of the Petts Wood Area of Special Residential Character. Hence, the proposal would not accord with Policies 37 and 44 of the London Borough of Bromley Local Plan (Adopted January 2019) (LP) and Policy 7.4 of TLP. Together these policies require that development proposals in areas designated as an ARSC should respect, enhance and strengthen their special and distinctive qualities; and positively contribute to the existing street scene.
 12. The proposal would also conflict with paragraphs 127 and 130 of the Framework, which require that developments, amongst other things, are visually attractive as a result of good architecture and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

¹ Appeal Ref: APP/G5180/A/14/2228610

Other Matters

13. I appreciate that the proposed gates are required by the appellants for safety and security reasons, and there is support from a number of third parties on these grounds. I have therefore had regard to part (h) of Policy 37 of the LP, Policy 7.3 of TLP and paragraph 127 of the Framework, but there is no substantive evidence before me to suggest that other security deterrents and means of enclosure for both properties have been explored or would be equally effective.
14. I also note that the Council did not raise any concerns with regard to living conditions, the risks of flooding, sustainability and highway safety. In particular, in terms of the latter, I appreciate that the proposed gates would not encroach onto the footpath.
15. Nonetheless, consideration of these matters does not lead me to a different conclusion on the main issue.

Conclusion

16. The proposed development would be contrary to the development plan and there are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR