
Appeal Decision

Site visit made on 15 January 2020

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/G5180/W/19/3240716

Mulberries, Mavelstone Road, Bromley BR1 2PD

- 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 James Burrell against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/01281/FULL1, dated 11 April 2019, was refused by notice dated 28 June 2019.
 - The development proposed is demolition of existing dwelling and erection of a 2 storey detached 4 bedroom dwelling and new vehicle access onto Mavelstone Road.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of a 2 storey detached 4 bedroom dwelling and new vehicle access onto Mavelstone Road at Mulberries, Mavelstone Road, Bromley BR1 2PD in accordance with the terms of application reference DC/19/01281/FULL1, dated 11 April 2019 subject to the conditions in the attached schedule.

Preliminary Matter

2. I have used the description of development that appears on the Council's Decision notice and on the appeal form rather than that which appears on the planning application form. This is because it succinctly describes the development proposed.

Application for Costs

3. An application for costs was made by Mr James Burrell against the London Borough of Bromley. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect on the character and appearance of the area, including the effect on trees and the setting of Mavelstone Road Conservation Area and Stotfold Listed Building.

Reasons

5. The appeal site is a wide fronted plot that tapers towards the rear. It currently houses a detached dormer bungalow that is set back from the road and screened by 8 lime trees which provide a positive contribution to the wider verdant character of the area. Mature vegetation also obscures the scale of

other large properties that sit within substantial plots within the road. Elsewhere, including opposite the site, detached 2 storey houses of varying style and use of material sit in smaller plots. The site is located on sloping ground and is positioned between 2 properties. On slightly lower ground sits Cedarcroft, a 2 storey detached dwelling. Located on higher ground is Stotfold, a Grade II Listed Building, the importance of which includes its historic and architectural interest.

6. The site sits on the edge of, but outside Mavelstone Road Conservation Area, the importance and significance of which includes its representation of the Arts and Craft style of architecture in the late 19th Century and early 20th Century. The Council has identified that the existing dwelling on the appeal site has a neutral impact on the setting of the Conservation Area and there is little before me to lead me to a different conclusion.
7. The proposal would maintain a one metre gap from the side boundary with the neighbouring properties. Whilst not significant, it would be greater than that which currently exists where the site tapers. Although the development would be deeper than the existing bungalow, it would not stand either notably forward of the front of the neighbouring dwelling Cedarcroft or project significantly further back from it. The proposal would not therefore appear as an over development of the site.
8. The proposal would be taller than the existing bungalow but would not exceed the height of its immediate neighbours, Stotfold and Cedarcroft. As other 2 storey properties in the area sit close to their side boundaries, the overall scale and proportions of the scheme would not be out of keeping with the surroundings. When considered in context, although overall the scheme would be larger than the existing dwelling, it would not be disproportionate or overly excessive, being partially set within the sloping ground. The design of the dwelling and choice of some materials would be different to surrounding dwellings but not dominating or unduly conspicuous given its positioning within the landscape.
9. The large driveway to the front of the property would in part be screened as part of the proposed landscaping. It would not be dissimilar to other properties in the vicinity where there is a notable amount of hardstanding behind the front boundary treatment.
10. There would be a loss of 3 lime trees to the front of the property which make a positive contribution to the character and appearance of the area. However, the proposed replacement trees would result in no net reduction in number and would adequately mitigate the visual impact of the loss, subject to the replacements being of an appropriate size. This can be achieved through an appropriately worded planning condition. Similarly, the proposed replacement of trees to the rear of the site contribute little to the character and appearance of the area and so their loss would not have a harmful impact. A planning condition requiring protection measures during construction would ensure retained trees are not damaged as a result of the development. There is little to indicate that there would be any pressure to remove retained trees, as suggested by a neighbouring resident.
11. The proposed scheme would not harm the character or appearance of the area or the setting of the Stotfold Listing Building or the Mavelstone Road Conservation Area. It would consequently not conflict with the relevant parts of

Policies 4, 8, 37 and 73 of the London Borough of Bromley Local Plan which require new development to be of a high standard of design and layout that respects local character, spatial standards, physical context and density and takes account of existing trees on site and where felled, requires suitable replanting.

Other Matters

12. Neighbouring residents have raised concern regarding the impact of the scheme on their living conditions, with particular reference to outlook and privacy.
13. The plans indicate that the slope in the land mean that the first floor of the proposal would be a similar height to the ground floor of Flat 1 of Stotfold. No balcony is proposed as part of the scheme and an appropriately worded planning condition can ensure this is maintained. In this context, and given the separation distance between Stotfold and the new development, the proposed evergreen planting on the side boundary would provide adequate screening for the neighbouring occupants, including for the conservatory of Flat 1. This is even though the coverage in the short term would not be as dense as the existing trees. There would therefore be no material harm to privacy or outlook for the residents of this property.
14. Whilst the neighbouring property Cedarcroft sits on lower ground, the 2 storey element of the scheme would be some distance away from the property. The single storey extension of the proposal beyond the rear of Cedarcroft would not be so significant as to cause harm to the outlook of the occupants of that property.
15. Neighbouring residents have raised concern regarding the accessibility of the site for the appellant. Whilst I acknowledge the poor condition of the existing unadopted road, I note the existing dwelling on the site along with the other properties in the road, are accessible by car. Whether the appellant considers the site to be accessible in light of their personal circumstances is a matter for them.
16. Similarly, whilst issue has been raised regarding the information submitted with the planning application, this is a matter for the Council. My assessment has been based on the information before me.
17. Comparisons have been made with the redevelopment of other sites in the area to support an argument against the scheme. I do not have sufficient details of the other developments to enable a meaningful comparison with the case before me. In any event, each case is determined on its own merits.

Conclusion and Conditions

18. For the reasons identified and having regard to all other matters, the appeal is allowed, subject to necessary planning conditions.
19. In attaching conditions I am mindful of paragraph 55 of the National Planning Policy Framework, which states that they should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's suggested conditions on this basis and have made modifications where necessary in the interests of clarity.

20. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. A surface water drainage condition is necessary to ensure a satisfactory means of surface drainage and to reduce the risk of flooding. A condition requiring submission of site levels and the proposed slab levels of the building is necessary to protect the character and appearance of the area. Similarly, a materials condition is also necessary to protect the character and appearance of the area.
21. A landscaping condition is necessary to protect the character and appearance of the area and the living conditions of neighbouring residents and a condition relating to retained trees on site is necessary to ensure their protection during construction. A condition preventing access to the flat roof of the property or installation of a balcony or roof top sitting area is necessary to protect the living conditions of neighbouring residents. Conditions relating to the access road, on site turning area and car parking are necessary in the interests of highway safety. A condition requiring bicycle parking provision is necessary to encourage reduced reliance on car transport. A condition removing permitted development rights is necessary to protect the setting of heritage assets and the living conditions of neighbouring occupants.
22. Conditions 3 and 4 relate to pre-commencement activities. In each case I am satisfied that the conditions are necessary to make the development acceptable in planning terms and that it would have otherwise been necessary to refuse planning permission. The appellant has provided written agreement to the terms of these conditions.

K Ford

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 plans: 1048/PL/00, 1248/10b/C, 1248/11/D, 1248/12/D, 1248/13/D, 1248/14/C, 1248/15/D, 1248/16/D, 1248/17/D, 1248/18/D and AR/BML/2MR18/RTPP/B
- 3) (a) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a survey of the condition of the road shall be submitted to and agreed in writing by the Local Planning Authority.

(b) Any damage caused to the surface of the road during the construction phase of the development shall be reinstated to a standard at least commensurate with its condition prior to the commencement of the development (as evidenced in details submitted to satisfy part (a)) prior to first occupation of the development hereby approved.
- 4) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), tree protection measures shall be installed in accordance with the approved Tree Protection Plan). Such measures shall not be moved or removed, but shall be retained in situ until completion of the development and all materials and machinery have been removed from the site, unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Arboricultural Method Statement (dated 18th February 2019) or any variation as may subsequently be agreed in writing by the Local Planning Authority.
- 5) (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the Local Planning Authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) 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 (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water.

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved.

6) (a) Surface water from private land shall not discharge on to the highway.

(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

7) Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.

8) (a) Prior to commencement of the development hereby approved (excluding demolition) details of turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority.
(b) The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

9) (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out in accordance with the approved details.

10) (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.

(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.

- 11) The landscaping scheme as shown on the submitted drawings shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. The x3 Tilia cordata indicated in the Replacement Tree Planting Plan shall be a minimum 16-18cm girth at 1m above ground level, as opposed the 12-14cm indicated. Bay trees of minimum 4m in height shall be planted in sufficient number and proximity to each other such that the edges of the crowns touch each other at the time of planting and the line extends for a minimum 10m section of the boundary with Stotford. The replacement trees shall be planted in accordance with the details of the Replacement Tree Planting Plan in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.

Any new tree planted as a requirement of this condition, or any existing tree indicated to be retained in the plans hereby approved, that dies, is removed or becomes severely damaged or diseased within 5 years of planting shall be replaced with a number and species of trees to be determined by the Local Planning Authority. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

- 12) Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.
- 13) The flat roof area of the development shall not be used as a balcony or sitting out area and there shall be no access to the roof area.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.