



Appeal Decision

Site visit made on 14 January 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/G5180/W/19/3238384

Beech House, Garden Road, Bromley BR1 3LX

- 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 Mrs A Wilson against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00363/FULL1, dated 16 January 2019, was refused by notice dated 3 April 2019.
 - The development proposed is the demolition of existing garage, the construction of a 3 bedroom 2 storey dwelling, the creation of a new vehicle access, together with external works and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has made reference to a policy within the draft London Plan (2017). Whilst I have had regard to this, its weight in my decision has been limited due to the stage of preparation of the emerging plan.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development on the living conditions of the occupiers of Fairways, No 52 Garden Road (No 52), with regard to privacy; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of private outdoor amenity space.

Reasons

Character and appearance

4. The appeal site is located on the western side of Edward Road within an established residential area. It forms part of the rear garden of Beech House, a large, detached, two storey, five bedroom property, which occupies a corner plot at the junction of Garden Road and Edward Road. It is enclosed at the rear

and the sides by a high, close-boarded, timber fence. A single storey, double garage is located at the south western end of the garden with gated access onto Edward Road.

5. The surrounding area is predominantly characterised by substantial, detached, two storey properties of a variety of styles and designs that front, but are set back from, the highway. The majority possess very generous mature gardens at the rear and are enclosed at the front by a variety of boundary treatments. The linear pattern of development, separation of the houses, large landscaped gardens, wide highways and street trees all combine to give the area a formal but spacious suburban feel and pleasant verdant appearance. These elements contribute to the area's local distinctiveness and sense of place.
6. The corner location of Beech House means that the full length of its rear garden can be observed from Edward Road. This is unique within the area and is important in illustrating and emphasising the relationship of built form to the long rear gardens and the prevalent pattern of development within the surrounding area.
7. There have been previous proposals for a new dwelling within a plot comprising parts of the rear gardens of Beech House and No 52. These were refused by the Council and then dismissed on appeal. However, the appeal proposal before me only relates to the rear garden of Beech House and is for a smaller dwelling.
8. The proposed development comprises the demolition of the existing garage and the construction of a detached, two storey, three bedroom dwelling along with the creation of a vehicle access direct from Edward Road and two parking spaces. The proposed dwelling is of a contemporary design with cedar clad and through colour render walls, slate tile roof and powder coated aluminium windows and doors.
9. I acknowledge that the new dwelling would respect the building lines of the adjacent properties on Edward Road. However, the proposal's position in the subdivided rear garden of Beech House would appear contrary to the spatial characteristics and out of keeping with the prevailing pattern of development in the area, particularly the consistency of long rear gardens.
10. Even though Beech House would still retain relatively large front and rear gardens, it would result in both the new dwelling and Beech House appearing discordant with nearby properties in terms of the predominant location, shape and depth of plot and would undermine and harm the positive characteristics of the surrounding area. It would also cause the new dwelling to be situated within a plot which would be noticeably smaller than other properties within the vicinity, and result in it looking cramped and incongruous in the street scene.
11. I witnessed on site that there is a wide variety in the form and design of buildings within the surrounding area. I also note the appellant's assertion that the proposed dwelling has been designed with reference to the Council's development plan policies and guidance, and is of a contemporary design which aims to blend in with the street scape, be environmentally conscious, be accessible and be highly adaptable. However, its lesser size, scale and massing relative to adjacent buildings, combined with its very individual design and materials which have no reference to its surrounding built context, would mean

that it would not assimilate well with the adjacent buildings in the street scene when viewed from Edward Road.

12. To conclude on this issue, I find that the proposed development would have a significantly harmful effect on the character and appearance of the surrounding area. As such it would conflict with Policies 1, 3, 4, 8 and 37 of the London Borough of Bromley Local Development Framework Local Plan adopted January 2019 (BLP), in so far as they seek to ensure that the location, form and design of new residential development is appropriate and acceptable in relation to the character and appearance of the surrounding area.
13. It would also not comply with Policies 3.4, 7.4 and 7.6 of The London Plan (consolidated with alterations since 2011) 2016 (LP), in so far as they require housing developments to be of the highest quality, make a positive contribution to the streetscape and respond to local context and character. Although cited in the Council's delegated report but not in its reason for refusal, I consider that it would also be contrary to Policy 3.5 of the LP which requires housing developments to be of the highest quality internally, externally and in relation to their context.
14. In addition, it would not accord with the provisions of the National Planning Policy Framework (Framework) which, amongst other things, seek to resist inappropriate development in garden areas and ensure that developments are visually attractive, sympathetic to local character and establish or maintain a strong sense of place.

Living conditions of the occupiers of No 52

15. The new dwelling would front onto Edward Road with its rear elevation facing, and in very close proximity to, the shared boundary with No 52. A high close-boarded timber fence currently separates the gardens of these two properties.
16. The windows at ground floor level in the proposed development would be located in the front, side and rear elevations and would look out to the property's access driveway, the private outdoor amenity space/garden and towards the shared boundary with No 52. The windows at the first floor level would be located to the front and rear, with only the windows to the front allowing views out, as the windows for the bathroom and hall to the rear, which would look towards the private outdoor amenity space of No 52, would be obscured.
17. The Council contends that the windows at such close proximity to the private outdoor amenity space of No 52, would result in overlooking and a loss of privacy of the occupiers of No 52 which would be detrimental to their living conditions.
18. I acknowledge that the close proximity of the dwelling to the shared boundary with No 52 may give rise to some perceived overlooking from the first floor windows and a reduction in the privacy of the occupiers of No 52. However, taking into account the substantial size of the garden of No 52, and that the first floor rear windows of the new dwelling would be to a hall and bathroom and would be obscured, I consider that it would not create a level of overlooking that would impact on the privacy of the occupiers of No 52 to a harmful degree.

19. Accordingly, I conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of No 52, with regard to privacy. Therefore, it would comply with Policies 4 and 37 of the BLP, in so far as they seek to ensure that new housing developments are a high quality of design and respect the amenity of occupiers of neighbouring buildings. It would also accord with Policy 7.6 of the LP, which requires that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to, amongst other things, privacy. In addition, it would not conflict with the provisions of the Framework which seek to ensure high standards of amenity for existing and future users.

Living conditions for future occupiers

20. The proposed development would have a small patio area to the rear of the property and a larger garden space to the side for use as private outdoor amenity space. Although the size of the space would comply with the requirements of the London Plan, the Council contends that it would be limited in comparison with other properties of a similar size within the vicinity and that it would be substandard for the purposes of a potentially four person detached dwelling.
21. I fully concur with the Council's opinion that, relative to similar properties in the surrounding area, the proposed size, form and location of the private outdoor amenity space of the new dwelling would not be in keeping with the character and appearance of the locale. However, this matter has been considered under the main issue of character and appearance. Furthermore, Policy 4 of the BLP does not specify a specific size or standard of space that should be provided, rather, it requires the 'provision of sufficient external, private amenity space that is accessible and practical.'
22. Although the private outdoor amenity space provided would not be in keeping with the prevailing character and appearance of the surrounding area, I consider that it would be sufficient, accessible and practical and would adequately meet the needs of a four person home.
23. Therefore, I conclude that the proposed development would not conflict with Policy 4 of the BLP, in so far as it requires the site layout of new housing to have a high quality and the provision of sufficient external, private amenity space that is accessible and practical. In addition, it would not conflict with the provisions of the Framework which seek to ensure high standards of amenity for existing and future users.
24. Policy 37 of the BLP and Policies 3.5, 7.4 and 7.6 of the LP are cited by the Council in its reason for refusal. However, these policies relate to quality of design, local character and living conditions of the neighbouring occupiers of a development, not the living conditions of the future occupiers of a development. As such, I consider that they are not relevant to this main issue.

Planning Balance

25. I have concluded that the proposed development would have a significantly harmful effect on the character and appearance of the surrounding area. In this regard, it would conflict with Policies 1, 3, 4, 8 and 37 of the BLP and Policies 3.4, 3.5, 7.4 and 7.6 of the LP. I give this conflict, and the harm that arises from it, substantial weight.

26. However, I have found that the proposal would not have a harmful effect on the living conditions of the occupiers of No 52, with regard to privacy, and that it would provide acceptable living conditions for future occupiers, with regard to the provision of private outdoor amenity space. Notwithstanding this, the lack of harm in these regards weighs neutrally and does not amount to a consideration in support of the appeal.
27. The proposed development would provide one new dwelling in an established residential area, and within an accessible location which is in easy reach of local services and facilities. There would be some economic and social benefits derived from its construction and occupation. These benefits are reduced by the limited amount of development proposed but, nevertheless, carry moderate weight in its favour. However, on balance, the adverse effect of the proposed development on the character and appearance of the surrounding area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Other Matters

28. I have had careful regard to the detailed information provided by the appellant that emphasises the growing percentage of people that are aged over 65 within the Borough and the need to plan to meet the housing requirements of older people. I also acknowledge the national issue of an aging population and the research which has been referenced by the appellant that highlights the desire by a third of older people to move to a 'right size' property that has a smaller garden, easy maintenance and access to local shops in a familiar area.
29. With reference to the above, the appellant declares that the concept of the proposed development is aimed at an older profile, as there is a need for houses of a size and form that would allow elderly people to downsize and remain within the local area close to a wide range of services and facilities.
30. However, no substantive evidence has been provided in this regard to confirm that there is a significant lack of supply of, or high demand for, smaller homes for this purpose within the surrounding area. Even if I accepted that this was the case and the proposed development was considered to be agreeable in other respects, there is no guarantee that it would be occupied by a local resident downsizing from a larger home. Indeed, as acknowledged by the appellant, it could also be occupied by a first time buyer. This is, therefore, a matter to which I can only afford limited weight, and it does not outweigh the harm that I have found.
31. I note the letters of support for the proposal and that, subject to the imposition of appropriate conditions and informatives, no technical objections to the proposed development were raised in relation to highways, drainage, environmental health and trees within the site. I am also aware that the Council considered that the shape, size and layout of the rooms would be acceptable and that the habitable rooms would have satisfactory levels of light and outlook. However, these are neutral considerations in the balance and do not outweigh the significant harm to the character and appearance of the surrounding area that I have found.
32. The appellant has highlighted that the proposed development would not set a precedent within the area as there are few comparable plots to the appeal site. Be that as it may, this, in itself, does not justify unacceptable development.

33. Reference has also been made by the appellant to a number of new builds within the area which possess smaller gardens. However, I do not know the full details or particular circumstances of these developments. In any event, I have determined the appeal before me on its own planning merits and the specific context of the appeal proposal.
34. I note the appellant's acknowledgement of the importance of maintaining the characteristics of the area and her desire to maintain the integrity of privacy and space appropriate to the dwelling where she lives. I take no pleasure from frustrating her proposal to develop the appeal site. However, none of the other matters raised, individually or collectively, outweigh or overcome my conclusion on the main issue of the significant harm to the character and appearance of the surrounding area.

Conclusion

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

F Cullen

INSPECTOR