
Appeal Decision

Site visit made on 15 October 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/G5180/W/19/3234513
14-20 Knoll Rise, Orpington BR6 0DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Roger Waddingham against the decision of the London Borough of Bromley.
 - The application Ref DC/19/00620/OUT, dated 19 February 2019, was refused by notice dated 13 June 2019.
 - The development proposed is the demolition of four existing houses and erection of three new buildings ranging from three to four-storeys comprising 41 apartments with associated access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with details submitted for all matters save for landscaping. An indicative landscaping plan has been submitted.
3. A set of revised plans notating the location of patio doors within the proposed apartments was submitted to the Council by the appellant during the appeal process. The Council agreed to accept these new plans and I see no reason to not proceed on the basis of these drawings.

Main Issues

4. The main issues relevant to this appeal are:
 - The effect of the development proposal on the character and appearance of the area with particular regard to massing and the loss of the existing dwellings; and
 - The effect of the scheme on the living conditions of future occupants of the development proposal and occupants of neighbouring dwellings.

Reasons

Character and Appearance

5. The appeal site comprises 4 adjacent plots of roughly similar size each accommodating a family dwelling and a large back garden. According to the appellant, the site measures somewhere between 0.27 and 0.29 hectares in area. Each of the dwellings face on to Knoll Rise. One of the dwellings (14 Knoll

- Rise) is also bounded by Vinson Close, being separated from the adjacent pavement by a row of quite tall trees and shrubs and a tall, solid wooden fence.
6. The site lies approximately 100 metres from the High Street which is served by several bus routes. Between the site and the High Street are several relatively recently constructed commercial offices. Moving away from the High Street, Knoll Rise begins to ascend steeply from the intersection with Vinson Close. According to the appellant, the highest point of the site (20 Knoll Rise) is about 3 metres above the lowest part (14 Knoll Rise). Heading up the hill Knoll Rise is composed almost entirely of large, detached residential properties with large front and back gardens, arranged in a stepped fashion. Similarly, Vinson Close which runs parallel to the High Street is comprised predominantly of single-family dwellings. Both Knoll Rise and Vinson Close are established residential areas.
 7. The appeal proposal involves demolition of the existing 4 dwellings and their replacement by 3 separate blocks broadly arranged in an L-shape and accommodating 41 apartments. The largest of the 3 blocks (herein referred to as 'Block 1') would accommodate 29 apartments over 4-storeys and would be situated at the corner of the site facing onto both Knoll Rise and Vinson Close. The second block ('Block 2') would accommodate 6 apartments over 3-storeys and would face on to Knoll Rise on the more elevated part of the site. The third block ('Block 3') would also accommodate 6 apartments over 3-storeys and would face onto Vinson Close. The top floor of each of the 3 blocks would be set back slightly from the principal elevation. The use of predominantly red brick would be broadly in keeping with the neighbouring buildings.
 8. The 3-block arrangement would afford a degree of visual permeability into and across the site. Behind Block 2 and Block 3 would be an area of communal open space. Beneath this communal space would be an underground parking garage with spaces for 21 motorcars, 20% of which would have electrical charge points. There would also be storage provision for 76 bicycles which is above the standard required by the Council.
 9. The 3 blocks would contain 18 x 1-bedroom apartments, 19 x 2-bedroom apartments and 4 x 3-bed apartments. 15 of the flats will be available at affordable levels of which 9 would be for rent. Each of the flats would incorporate a high level of insulation.
 10. There is a minor disagreement over the density of habitable rooms per hectare. According to the Council the scheme equates to around 382 habitable rooms per hectare whereas the appellant contends that the density equates to 375 habitable rooms per hectare.
 11. Under Policy 3.4 of the London Plan 2016 (LP) high residential densities are held to be more acceptable in locations that are regarded as being 'urban' rather than 'suburban', in particular those urban locations with good public transport accessibility. The appeal site's proximity to the High Street means that it has high accessibility to shops and offices, as well as to local bus services.
 12. Nevertheless, despite these qualities the nature of the area changes very markedly once one crosses Vinson Close and starts to ascend the steep section of Knoll Rise. Immediately beyond this point the area becomes distinctly suburban and remains so for some considerable distance. In this area the

- dwelling are generously spaced, having a development density of around 11-13 units (or around 90 habitable rooms) per hectare according to the Council.
13. It follows from the above that the relevant development density guideline figure to be applied is that for suburban areas, being around 200-350 habitable rooms per hectare, as opposed to that of around 200-700 habitable rooms per hectare as applied for urban areas. I agree that in applying the figures set out in Table 3.2 of the LP one needs to have regard to the context provided by the surrounding area. However, the figure of 375-382 habitable rooms per hectare is appreciably above the upper guideline figure of 350 habitable rooms per hectare. Since I do not accept that the windfall appeal site can be defined as transitional, as argued by the appellant, I do not find any reason for materially exceeding the upper guideline figure.
 14. As one approaches the appeal site from the High Street one currently sees part of the front elevation and much of the side elevation of the semi-detached property, 14 Knoll Rise with the row of trees and shrubs rising above the wooden fence along the pavement of Vinson Close. Several of the grade B trees would be retained. According to the appellant's indicative landscape proposals these trees and shrubs would screen much of the right side of the elevation of Block 1 looking from the opposite side of Vinson Close.
 15. There would be relatively little screening of the section at the corner of Vinson Close and Knoll Rise where the 4-storey Block 1 would be most prominent to those travelling along Knoll Rise from the High Street, however. The drawing showing the elevations of Block 1 and Block 2 facing Knoll Rise shows some trees to provide partial screening of the development to the top storey. However, since the landscaping element is merely indicative its usefulness is limited.
 16. Block 1 and Block 2 would be about 3 metres taller than the existing dwellings which they would replace. Block 1 would also be considerably wider than the existing pair of semi-detached properties (nos. 14-16 Knoll Rise) with square sides. Although the highest point of Block 1 and Block 2 would be at a lower AOD than that of the adjacent dwelling further up Knoll Rise (no. 22) I nevertheless find that both blocks, by virtue of their height, would have a dominating effect over the lower section of the road. In addition, by virtue of its scale and mass Block 1 would be out of synchrony with the grain of the neighbourhood which is characterised by traditional detached and semi-detached dwellings with long back gardens. As such, the size and scale of the proposed development would be at odds with the prevailing pattern of development within the locality.
 17. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It is therefore contrary to Policies 3.4 and 3.7 of the LP and Policies 3, 4 and 37 of the Bromley Local Plan 2019 (BLP) which, amongst other things, require new development to respect the context and the character of the local area and that new development is of a high quality and respects the form and layout of neighbouring areas.
 18. It would also conflict with Policies D2 and D6 of the draft London Local Plan (draft LP) which seek to provide for increased levels of housing density consistent with good design. However, given its unadopted status I afford it less weight. Finally, it would fail to conform to the advice set out in paragraphs

127 and 130 of the National Planning Policy Framework (the Framework) that development should be of a high design standard.

Living Conditions

19. Units 10, 18 and 26 within Block 1 would each contain inset balconies measuring 6 square metres which would be 1 square metre below the advised level for an apartment with 4 occupants. Although the occupants will be able to make use of the communal open space, given the lack of parks in the immediate vicinity, this shortfall in private amenity space would be unacceptably detrimental to the living conditions of the occupants of these three apartments.
20. Access to the communal garden area for occupants of units A1, A2, A3, A4, A5 and A6 would be either via the basement car park or via an entrance from Knoll Rise, being a distance of around 70 metres. Given that the occupants of units A1 and A2 would have their own private gardens they would have immediate access to private recreation space. The lack of ready accessibility for occupants of units A3, A4, A5 and A6 would not be compensated by views of the communal garden from the apartments. I therefore find that the occupants of units A3, A4, A5 and A6 would have unacceptable living conditions due to the lack of easy access to the communal garden area.
21. Each of the ground floor apartments has its own private garden but occupants of the upper storey apartments would be reliant upon the communal garden for on-site outdoor enjoyment. The communal garden would be at around the same level as the adjacent gardens of 22 Knoll Rise and 1 Vinson Close. During good weather it is likely that there would be high levels of noise associated with usage of the communal garden by children and adults which could continue into the late evening. This would harm the living conditions of the occupants of 22 Knoll Rise and 1 Vinson Close when using their back-garden area.
22. I therefore conclude that the appeal proposal would fail to provide for the satisfactory living conditions of future occupants of the scheme and occupants of 22 Knoll Rise and 1 Vinson Close. It therefore fails to comply with policies 7.4 and 7.15 of the LP which seek to protect the character of areas and to ensure that new development does not result in excessive noise levels for neighbours. It is contrary to Policy 4 of the BLP which seeks to ensure, among other things, that external space is accessible. It is also contrary to policies D2 and D6 of the DLP which seek to ensure that optimum density of development consistent with good design. As per my earlier comment I afford this plan less weight due to its unadopted status. However, I do not find that the proposal is contrary to Policy 59 of the BLP which refers to public, not private open space.
23. Finally, it would fail to accord with the advice set out at paragraph 127f) of the Framework that new development should provide for a high quality of amenity for existing and future users.

Other Matters

24. I have noted the contents of the s.106 unilateral undertaking signed by the appellant and relevant landowners in favour of the Council. This would provide for 15 affordable housing units (6 x 1-bedroom; 9 x 2-bedroom) of which 9 would be for rent and the remainder for purchase. In addition, it would also

provide a contribution of £42,279 in favour of an energy saving project, a contribution of £105,784.21 towards educational facilities provided by the Council, a contribution of £27,960 to the Council as compensation for lost revenue from 2 on-street car parking spaces and a contribution of £51,045 for healthcare in the area.

25. I have had regard to all of these benefits. I note that those concerning the provision of affordable housing comply with the provisions of the BLP as regards both the level of overall provision and the breakdown between to-buy and to-let. I afford them considerable weight in favour of the appeal.

Conclusion

26. The proposed development would be contrary to the development plan. I afford the benefits arising from the affordable housing and other contributions considerable weight. However, this does not outweigh the harm that I have identified to character and appearance and living conditions. There are no other considerations that indicate a decision otherwise than in accordance with the development plan. For the above reasons, the appeal is dismissed.

William Walton

INSPECTOR

