
Appeal Decision

Site visit made on 17 February 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2020

Appeal Ref: APP/G5180/W/19/3241158
48 Hawes Lane, West Wickham BR4 0DB

- 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 Paul Townsend against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03112/FULL1, dated 17 July 2019, was refused by notice dated 18 September 2019.
 - The development proposed is erection of detached two bedroom family dwelling house with access to the side of 48 Hawes Lane together with demolition of garage to front and construction of 2x garages at the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring properties with particular regard to noise and disturbance.

Reasons

Character and appearance

3. Hawes Lane is comprised of a mix of dwelling types of generally two storey development set back from the road frontage providing driveways and garden areas to the front. Properties have similar building lines and mostly have large rear gardens.
4. The appeal property is a semi-detached house with detached garage to the side. A public footpath runs along the northern side boundary. Most adjacent properties typically have rectangular plots with deep rear gardens. These deep rear gardens are largely free of buildings and provide a spacious backdrop to the built development within the area. Their mature and attractive appearance contributes to the area's character and appearance.
5. According to the appeal drawings the existing double garage would be removed and replaced with an access driveway which would extend along the site's northern boundary to serve a new dwelling located at the bottom of the garden. A new double garage and turning area would be constructed in the rear

- garden for the proposed dwelling and two parking spaces would be retained to the front for the existing property.
6. The appeal proposal would notably intrude into the open attractive rear garden land and introduce significant built development and large areas of hard surfacing. Even though the proposed dwelling would be designed with a lower eaves and ridge height, its location would be at odds with the established neighbouring development. It would jar in its local context and appear as a prominent and incongruous feature which would detract from the mature garden zone. As such it would harm the character and appearance of the area.
 7. I appreciate that there is car parking to the rear of the development of flats to the north. However, I saw at my site visit that this car parking arrangement is ancillary to the use along the site frontage and is not the prevailing character of the area.
 8. Overall, I conclude that the proposed development would harm the character and appearance of the area. This conflicts with Policies 3.4, 7.4 and 7.6 of the London Plan and Policies 1, 3, 4, 8 and 37 of the London Borough of Bromley Local Plan adopted January 2019 (Local Plan) which collectively seek development that respects the character, appearance and context of the area. The policies are consistent with the design objectives of the National Planning Policy Framework (the Framework) with which the proposal also conflicts.

Living conditions

9. The proposed dwelling would be positioned so that it would, according to the drawings, be a minimum of 8 metres from the rear site boundary. With single storey eaves and limited ridge height I am satisfied that there would be no direct overlooking of the adjacent domestic curtilage to the rear. Similarly, the position of the dwelling would be a minimum of 20 metres from the rear of properties fronting Hawes Lane and the inter-visibility between the rear and front elevation of properties would not be sufficiently close to detract from the privacy of the existing development.
10. Noise and disturbance from use of the new dwelling and its parking area would be unlikely to have any significant impact on the living conditions of neighbours' to the rear and north of the site given the low intensity of use, the intervening boundary treatment and the footpath to the north.
11. The gable elevation of the existing house has a kitchen door and small obscure glazed window within it. All habitable room windows are on the front and rear elevations. The existing property does not currently have vehicular access beyond the parking area to the front of the dwelling. Consequently, the development would introduce vehicle movements and additional pedestrian activity to the side and rear of the existing dwelling. Such movements would not be in the control of the occupants of the existing property.
12. At the rear, vehicle and pedestrian movements would be in close proximity to the garden and rear facing windows of the existing and neighbouring house. The rear windows and gardens would be exposed to vehicle and pedestrian movements, resulting in the potential for harmful noise and disturbance. The potential impact would be exacerbated during periods of darkness as occupants would likely suffer from general disturbance arising from headlights of vehicles

using the driveway. This would result in a significant reduction in the level of tranquillity that the rear garden and facing habitable rooms currently enjoy.

13. Having regard to the above, even for the modest scale of development proposed, the occupants of the existing and neighbouring dwellings are likely to experience unacceptable levels of noise and disturbance.
14. Overall, I conclude that the development would harm the living conditions of neighbouring properties with particular regard to noise and disturbance. This would conflict with Policies 7.4 and 7.6 of the London Plan and Policies 3, 4, 8 and 37 of the Local Plan which together seek to protect existing residents from noise and disturbance. The policies are consistent with the Framework with which the proposal also conflicts.

Other Matters

15. I appreciate that the dwelling would be designed to be accessible and adaptable and would support the appellant in his later years. However, these matters do not outweigh the harm I have identified to the character and appearance of the area and the living conditions of neighbouring properties.

Conclusion

16. For the reasons set out above, the appeal is dismissed.

Diane Cragg

INSPECTOR