
Appeal Decision

Site visit made on 10 March 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/G5180/W/19/3242472

Oakdene and El Joyre, 4 and 6 Lillie Road, Biggin Hill TN16 3QB

- 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 South East Living Group against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03205/OUT, dated 22 July 2019, was refused by notice dated 26th September 2019.
 - The development proposed is demolition of existing two dwellings and the erection of six new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with appearance, landscaping, and scale reserved. Approval is sought for access and layout only. In so far as they relate to the reserved matters, for the purposes of this appeal I am treating the submitted drawings as only indicative of the proposed development.
3. A previous outline planning application with all matters reserved for development at the site involving the demolition of 2 existing bungalows and replacement with 8 dwellings, including new access, was dismissed at appeal in 2018 (APP/G5180/W/18/3195188). I have paid regard to this decision, while at the same time considering this appeal on its own merits.
4. With the prior agreement of the appellant the site address has been changed from that stated on the initial planning application form to better reflect the location of the appeal site.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site is currently occupied by 2 detached bungalows, with associated outbuildings. The bungalows are located towards the front of the site, closest to Lillie Road. The smaller of the bungalows (Oakdene) maintains a front building line that is consistent with neighbouring properties. The larger of the bungalows (El Joyre) is set back further from the road.

7. The ground level on the site falls as it moves away from Lillie Road. The area is residential in character with properties of mostly modern construction. There are a significant number of bungalows of varying scales, including chalet style bungalows, which includes the properties neighbouring the appeal site on Lillie Road, and inform the character of the immediate area. There are also a number of 2 and 3 storey properties in the wider area, most notably those across the road from the appeal site and on roads off Lillie Road, including Everglade and Mews End.
8. The proposed development would introduce 4 dwellings to the front of the site and 2 to the rear. Vehicular access from Lillie Road would be provided between the front properties and a parking and turning area would be towards the middle of the site.
9. The position of the dwellings to the front of the site strike an appropriate relationship with the road and the front building line of neighbours. However, the number of dwellings in this location would lead to a narrow and squeezed form of development when the immediate area is better characterised by larger bungalows that give a more spacious feel and reinforce the open and suburban character of the surroundings. In this regard the layout of the proposed dwellings to the front of the site would not relate well to the pattern of development in the immediate area and would strike an unsatisfactory relationship with the street scene.
10. To the rear of the site, it is noted that the 2 dwellings proposed would be on lower ground and would not therefore be as visible in the street scene. They would be spaced a suitable distance away from the properties at the front and from each other to maintain a sense of openness at the rear of the site.
11. However, the total number of dwellings proposed would lead to a significant amount of parking and related activity taking place towards the centre of the site. I appreciate that the appellant has made efforts to relocate this activity from the front, however I find that large areas of hardstanding, the presence of a number of cars and other related structures would be harmful to the open character of the area, particularly as experienced from properties that share boundaries in this part of the site. Whilst landscaping would be considered as part of reserved matters, this issue is fundamentally linked to layout and, as such, I consider that it could not be adequately resolved using conditions.
12. It is acknowledged that the existing bungalows are in a state of disrepair and that the site is large when compared to their size. I am also mindful of policy in the National Planning Policy Framework (the Framework) that seeks to make optimal use of sites. While these are relevant considerations, they do not outweigh the significant harm to the character and appearance of the area that is identified above.
13. While the development would be well within the density range expressed in the London Plan, this does not remove the need to assess proposals in their local context to ensure that they are compatible with the character of the area.

14. My attention is drawn to other developments in the area, including Everglade and Mews End. Whilst I have taken this into account, as they do not inform the character of the immediate context of the site, I have given them limited weight.
15. For the reasons discussed above, I find that the proposed development would have a harmful effect on the character and appearance of the surrounding area. Consequently I find conflict with policies in the Bromley Local Plan, including Policies 3, 4, and 37 which seeks to ensure that new development achieves a high standard of design and that back and garden land development does not have an unacceptable impact on the character, appearance, and context of an area. I also find conflict with policies in the London Plan including Policies 7.4 and 7.6 relating to good design.

Planning balance

16. It is argued by the appellant that permission should be granted as the Council cannot demonstrate a 5 year supply of deliverable housing sites at present. In such circumstances, in line with footnote 7 to paragraph 11(d) of the Framework, relevant policies in the Local Plan should be regarded as out of date and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
17. The appellants evidence includes reference to an appeal decision from June 2019 that states that the Council can only demonstrate 4.25 years of housing supply. The Council does not contest that it cannot demonstrate a 5 year housing land supply, and that the shortfall is not in the order suggested by the appellant. As such, it is necessary to assess the proposed development against the requirements of the presumption in favour of sustainable development in paragraph 11 of the Framework
18. Firstly, none of the relevant policies in the Framework that are designed to protect areas or assets of particular importance apply, as set out in footnote 6 to paragraph 11(d)(i).
19. To assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits it is necessary to consider the benefits of the proposed development against the policies in the Framework taken as a whole, including the stated purpose of the planning system, which is the achievement of sustainable development – comprising the three overarching social, economic, and environmental objectives.
20. The social benefits of the proposed development primarily relate to the contribution that it would make to overall housing supply in the area, and the overall social, and also economic, benefits that this brings. The proposed development would result in an uplift of 4-6 dwellings, whether the existing dwellings should be counted in this calculation has little impact on my application of the presumption given the scale of development. This is a small contribution to housing supply, but beneficial nevertheless. I am also mindful that the Framework acknowledges at Paragraph 68 that small sites can make an important contribution to meeting the housing requirements of an area.

21. There would be economic investment, and therefore benefits, resulting from both the construction and subsequent occupation of the proposed development, which the appellant identifies in their evidence.
22. In terms of environmental benefits, the appellant points to improvements, including resulting from the replacement of 2 older dwellings with more energy efficient dwellings.
23. The adverse impact identified is on the character and appearance of the area. In pursuing its environmental objectives, the Framework seeks to create places that are well designed and, specifically at paragraph 127, function well and add to the overall quality of the area, are sympathetic to local character, and maintain a strong sense of place. For the reasons set out above, I find that the proposed development would cause significant harm to the character of the area as it would be unsympathetic to local character and introduce a level of development that would be incompatible with the surroundings.
24. Weighing up the benefits and adverse impacts discussed above, I judge that the impact on the character and appearance of the area significantly and demonstrably outweighs the benefits identified of introducing the new dwellings to the appeal site. As such, the presumption in favour of sustainable development at paragraph 11 of the Framework directs me towards refusing planning permission.

Other Matters

25. Representations from other parties are noted, including those which support the Councils reason for refusal and are discussed above. I have taken other representations into account but they do not affect my findings on the main issue.

Conclusion

26. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR