
Appeal Decision

Site visit made on 30 June 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2020

Appeal Ref: APP/G5180/W/20/3245169

2 Woodland Way, Petts Wood, Orpington BR5 1ND

- 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 Syncardia Homes against the decision of the Council of the London Borough of Bromley.
 - The application, Ref DC/19/03259/FULL1, dated 29 July 2019, was refused by notice dated 26 November 2019.
 - The development proposed is the replacement of the existing dwelling with two detached dwellings with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing dwelling with two detached dwellings with associated access, parking and landscaping at 2 Woodland Way, Petts Wood, Orpington BR5 1ND in accordance with the terms of the application, Ref DC/19/03259/FULL1, dated 29 July 2019, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Syncardia Homes against the Council of the London Borough of Bromley. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Petts Wood Area of Special Residential Character.

Reasons

4. The site forms part of the Petts Wood Area of Special Residential Character in which Policy 44 of the Bromley Local Plan 2019 requires development to respect, enhance and strengthen its special and distinctive qualities. Appendix 10.6 of the Plan sets out further details of the area and criteria to consider in relation to proposals for new development in the area.
5. The distinctive character of the area derives from its development along garden suburb principles with a regularity in front and rear building lines and a generous degree of spacing between buildings, which enables views through to trees and tall shrubbery in rear gardens. Buildings front onto the roads, with low front walls allowing views across front gardens, which contributes to the spacious and verdant character of the area.

6. Building designs are generally of similar sizes and heights and use a similar palette of materials. There are good examples of Arts and Crafts and mock Tudor detailing in many of the buildings. Roof forms are mostly fully pitched and hipped, with the use of projecting front gables and double height bay windows being common features. Symmetrical pairs of semi-detached and neighbouring detached houses are also a feature of the area.
7. Plots are generally similar in size other than at the ends of roads, or where there is a curve in a road, where plot sizes are more irregular, often triangular in shape. The position of buildings upon them, and their size and spacing nevertheless maintain the prevailing characteristics of the area.
8. The appeal site forms part of one of the irregular plots, which has a road frontage much wider than average for the area but narrows towards the rear. Subdivided, the plot widths at the front would still be wider than average for the area but narrower at the rear. In my view, the principal characteristics of the area when viewed from a public perspective are set by the width of the plots, and the position and spacing of buildings on them. Plot sizes and plot ratios are relevant in so far as they enable a positioning and spacing of dwellings that conform to the prevailing pattern in the area, and to provide space for trees and other greenery to complement the setting of the buildings.
9. In this case, while the size of the rear gardens to both plots would be smaller than average, that would not be readily apparent from the road. They would provide adequate private amenity space for the occupants and taken together the front and rear gardens would be large enough to accommodate trees and shrubs to enhance the appearance of each site.
10. The position of the dwellings would follow the front and rear building lines of the houses to either side. They would both front on to the road and would therefore not be backland development as suggested in some of the representations. The dwellings would be slightly angled in relation to the front boundary, but there are examples of buildings angled on their plots within the area and I do not consider it would appear out of place here.
11. The proposed buildings would be of a size and height comparable to others in the area. Their design with hipped roofs, front and rear projecting gables and two storey height bay windows reflect similar features in the area, as do the proposed materials of brick and painted render, clay tiles, and casement windows divided by mullions and transoms on the main elevations. The symmetrical nature of the pair of buildings also reflects similar symmetries in other handed pairs or groups of detached dwellings in the area.
12. So far as spacing is concerned, I note that semi-detached pairs of dwellings usually have a garage and/or drive on their open side while detached dwellings generally have a garage/drive one side and a narrower side alley on the other. In cases where detached dwellings are symmetrically handed to one another the separation can be narrower on one boundary but is compensated for by wider gaps on the others. There are examples where dwellings are either closer together or further apart, but in my view the separation indicated above is typical of the spacing between dwellings in this part of the Petts Wood area.
13. The proposed dwellings would be separated by a little over 4m at the rear of their joint flank elevations, widening slightly towards the front. Spacing to either side with the neighbouring dwellings would remain generous, wider than

most other gaps in the vicinity. I have looked carefully at this aspect of the proposal as it is important that the spacing between buildings is maintained in order to respect the special and distinctive qualities of the area. In my judgement, the gap between the proposed dwellings would be sufficient to maintain visual separation between the buildings and would be comparable to the prevailing spacing between other detached dwellings in the vicinity. Combined with the wider gaps to the neighbouring properties, it would enable views through to the rear of trees and other greenery.

14. Hardstanding for parking would be provided in the front gardens of each dwelling. Forecourt parking is common throughout the area so I do not consider this to be harmful, and sufficient space would remain for soft landscaping to complement the setting of each dwelling. Removal of the timber fence and its replacement with a low brick wall would open up views of the front garden, enhancing one of the features which is characteristic of the area.
15. I conclude that the proposed development would complement the character and appearance of the Petts Wood Area of Special Residential Character, and would therefore comply with policies 3, 4, 8, 37 and 44 of the Bromley Local Plan 2019 and policies 3.4, 3.5, 7.4 and 7.6 of the London Plan 2016, which require new developments to be of a high standard of design and layout that respect, enhance and strengthen the special and distinctive qualities of the area. For the same reasons, the development would also comply with the advice offered in Appendix 10.6 of the Bromley Local Plan and Supplementary Planning Guidance Notes 1 and 2 of the London Plan.

Other Matters

16. A previous proposal for a dwelling on part of the side garden was dismissed on appeal in 2016¹. In that case the host dwelling was to be retained and the gap between the existing and proposed dwellings was narrower. I consider that to be an important difference between the two schemes. In that appeal, the Inspector found that the side garden made a positive contribution to the character and appearance of the area. While that is undoubtedly the case, the current scheme would still retain a wide gap to 2A Woodland Road allowing views through to mature landscaping at the rear, which in my view is the characteristic feature of the area that it is important to retain. In any event, I have determined the application on its own merits having regard to the current Development Plan, which postdates the previous appeal decision.
17. More recent proposals for flatted development on the site were dismissed on appeal in 2018². In reaching his decisions, the Inspector noted that the existing dwelling makes a positive contribution to the character and appearance of the area. It does, but in my judgement so would the proposed dwellings subject of the current appeal. Replacement of the existing dwelling with the proposed dwellings would not therefore harm the character and appearance of the area. The current dwelling is not listed or protected in any other statutory way that would preclude its removal as part of a redevelopment of the site.

¹ APP/G5180/W/15/3141139

² APP/G5180/W/17/3189325 and APP/G5180/W/3189353

18. Both the appellant and Council have drawn my attention to other appeal decisions in the Petts Wood area, including sites at 63 Willet Way³ and 6 Ladywood Avenue⁴. In both cases there are differing circumstances to the current appeal scheme. In the case of 63 Willet Way it lies in a part of the area with a more mixed character, including two churches. In the case of 6 Ladywood Avenue, the scheme was of a different size and scale occupying a corner plot location. Given the differences between these schemes and the current appeal, I give them limited weight in my assessment.
19. Examples of building separation distances have been given by the appellant and criticised by the Council. I have preferred to use my own observations in assessing the general pattern and spacing of buildings in the area.
20. Concerns have also been expressed in third party representations regarding precedent, the lack of garaging, insufficient parking, impact on the local highway network, flood risk, privacy and outlook, the size of buildings, development on garden land, use of attic space for living accommodation, private covenants, burden on local facilities, and disruption during construction. I consider that these matters do not carry the same weight as the main issues identified above and neither individually nor collectively lead me to a different conclusion.

Conditions

21. The National Planning Policy Framework advises that conditions should be kept to a minimum and only imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification for them.
22. I have considered the conditions suggested by the Council and imposed them where I consider they meet the guidance. I have reworded some conditions to improve clarity. Conditions have been reordered in accordance with the advice in Planning Practice Guidance.
23. In addition to the standard time limit condition I have included a condition listing the approved plans to provide certainty on the development permitted.
24. I have imposed conditions requiring hard and soft landscaping in the interests of the character and appearance of the area. I consider that specific details and/or samples of the external materials should be approved by the Council and have modified the suggested condition accordingly. This is to ensure that the external materials used are sympathetic to the character and appearance of the area. I have combined conditions suggested by the Council into one condition requiring details of parking and turning, cycle storage and refuse storage to be approved and implemented in the interests of future occupants and ensure adequate parking provision is available on site. I have also imposed a condition requiring the dwellings to be accessible and adaptable to meet a policy requirement of the London Plan and ensure that the dwellings can cater for a wide range of occupants, including those whose movement is impaired.

³ APP/G5180/W/14/2228610

⁴ APP/G5180/W/15/3133381

25. I have no evidence that surface water drainage is an issue on the site, nor that it cannot be adequately addressed through the normal Building Regulation process. I therefore see no need for the suggested drainage condition. A condition requiring details of slab levels is also unnecessary as the approved sectional drawing is scaled and shows slab levels in relation to ground levels.
26. I consider a condition requiring a wheel wash down facility is unnecessary for a development of this size. In the event that dirt were to be deposited on the road, the Highway Authority has other powers it can use to address the situation. A separate condition preventing discharge of water on the highway is unnecessary as this can be taken into account as part of the details for the parking and turning area.
27. A condition has been suggested to restrict domestic permitted development rights. The National Planning Policy Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. I see no clear justification to do so in this case. Existing limitations on permitted development rights would prevent infilling of the gap between the two dwellings at first floor level without a grant of planning permission from the Council, which would be considered on its own merits.

Conclusion

28. I conclude that the appeal is allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2WA-SLP location plan, 14-OR-05A existing and proposed site layouts, 14-OR-06B elevations and floor plans Plot A, 14-OR-07B elevations and floor plans Plot B, 14-OR-08A existing and proposed street scenes, 14-OR-09 proposed sections.
- 3) No development shall commence above ground level until details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - i) A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include a minimum of 30% native plant species and no invasive species
 - ii) Proposed hardstanding and boundary treatments
 - iii) A schedule detailing sizes and numbers of all proposed trees and plants
 - iv) Specification of maintenance to secure establishment and survival of new planting

There shall be no excavation or raising or lowering of ground levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

The site shall be landscaped in accordance with the approved details in the first planting season after completion or before the development is first occupied, whichever is the sooner.

Any new trees or plants that die, are removed or become severely damaged or diseased within a period of five years from planting shall be replaced with trees or plants to a similar specification as approved.

4) Prior to first occupation of the dwellings hereby approved details of:

- i) the parking and turning areas, including measures to prevent discharge of water on to the highway
- ii) bicycle storage
- iii) storage of refuse and recycling materials (including any means of enclosure)

shall be submitted to and approved in writing by the Local Planning Authority. The parking, turning and storage facilities shall be provided as approved prior to first occupation of the dwellings and thereafter retained.

- 5) Prior to commencement of works above ground level, details and samples of the materials to be used for the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
- 6) The development shall be built in accordance with the criteria set out in Building Regulation M4(2) 'accessible and adaptable dwellings'.

***** End of Conditions*****