



Appeal Decision

Site visit made on 30 June 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/G5180/W/20/3247312

14 Wimborne Avenue, Chislehurst BR7 6RQ

- 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 Miss Sarah Sims against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04556/FULL1, dated 24 October 2019, was refused by notice dated 27 January 2020.
 - The development proposed is the erection of a first floor extension to existing dwelling incorporating new roof, front porch, pitched roof over existing garage, elevational alterations and landscaping including fencing and retaining walls, formation of access on to Berens Way and subdivision of the plot and resulting building to form pair of semidetached dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor extension to existing dwelling incorporating new roof, front porch, pitched roof over existing garage, elevational alterations and landscaping including fencing and retaining walls, formation of access on to Berens Way and subdivision of the plot and resulting building to form pair of semidetached dwellings at 14 Wimborne Avenue, Chislehurst BR7 6RQ in accordance with the terms of the application, Ref DC/19/04556/FULL1, dated 24 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WAC/18/01B, WAC/18/02E, WAC/18/014A, WAC/18/015A and WAC/18/016A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials set out within the plan WAC/18/15A.
 - 4) No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
 - 5) The approved boundary treatments, as shown on the approved plans, shall be implemented prior to the occupation of the building and retained in perpetuity.

- 6) No dwelling shall be occupied until the means of access and the spaces for parking have been laid out within the site, in accordance with drawing no. WAC/18/016A, and those spaces and the means of access shall thereafter be kept available at all times for those purposes.
- 7) The gradient of the new access shall not exceed 1:10 at any point.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of the development proposed has been taken from the appeal form rather than the application form, as confirmation was provided to confirm that the appellant agreed to an amended description with the Council on 19 November 2019.
4. During the site visit it was noted that the property was currently undergoing construction work as scaffolding has been erected and the roof removed. These works may relate to the extant planning permission for a first-floor extension¹. The current proposal is also for a first-floor extension to the existing dwelling to create a pair of two-storey semi-detached properties.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area and the Marling Park Estate Area of Special Residential Character.

Reasons for the Recommendation

6. The appeal site is a spacious corner plot occupied by a detached single storey dwelling, at an elevated position to the road. The site is located on the edge of the Marling Park Estate Area of Special Residential Character (ASRC). The surrounding area, within the ASRC, is largely comprised of large detached dwellings on spacious plots with a varied design and appearance. The surrounding area, outside of the ASRC, is made up of traditionally designed semi-detached dwellings on smaller plots.
7. Previously a larger plot accommodating No.14 Wimborne Avenue was sub-divided to facilitate the construction of No.35 Berens Way. The proposal would further sub-divide the resultant appeal plot into two properties. The divided gardens of the two properties would be smaller than others within the ASRC and more akin to the garden sizes of those nearby plots outside of the ASRC. However, the proposal would not result in a change to the layout of the site. Therefore, from the public realm, the ratio of garden to built footprint would not appear different and there would be little impact upon the character and appearance of the area. It is acknowledged that a previous appeal decision for the construction of two new dwellings on this site found that smaller gardens would be out of character with the surrounding area. However, the gardens now proposed would be larger than those in the previous scheme. Overall, the site is large enough to accommodate two properties and would not appear

¹ 19/01606/FULL6 (the 2019 proposal)

- overly cramped or have a significantly smaller frontages than others within the locality.
8. Although semi-detached dwellings are not commonplace within the ASRC, there are examples of other semi-detached properties in close proximity to the appeal site which are not within the ASRC but still contribute to the character of the area. Therefore, the principle of semi-detached dwellings would not be out of keeping with the direct surroundings of the site.
 9. The layout of the two semi-detached properties would be unconventional, as the building is set back in the plot and the gardens would be located to the side of the dwellings. However, this would not be dissimilar from the layout of the current dwelling and would not have a significantly different impact upon the character and appearance of the area. The current single storey dwelling, at an angle on the plot and with a minimal rear garden, does not fully accord with the prevailing pattern of development within the area or the ASRC and the proposal would not further exacerbate this.
 10. The proposed first floor addition would create a significantly larger dwelling than the current bungalow which would be highly visible in the streetscene, increased by the elevated positioning of the site. However, the two-storey nature of the proposal would be more akin to other dwellings with the surrounding area and ASRC. Furthermore the current proposal would be similar in appearance to the 2019 proposal and therefore would not further increase the scale or bulk of the property than is already permissible.
 11. The site would be occupied by two semi-detached dwellings which would intensify its residential use. Although aspects of two dwellings, such as two access points and additional vehicles, would be noticeable from the public realm, the difference in the appearance of the site when occupied by two properties rather than one would be minimal and would not have a detrimental impact on the character and appearance of the area.
 12. For the reasons above, I consider that the proposed development would not harm the character and appearance of the surrounding area or the Marling Park Estate Area of Special Residential Character and would not be contrary to Policies 3, 4, 37 and 44 of the London Borough of Bromley Local Plan (2019). These collectively seek to allow new residential development when there is no unacceptable impact upon the character, appearance and context of an area, has a high standard of design and respects, enhances and strengthens the special and distinct quality of the Area of Special Residential Character.

Other Matters

13. A letter of representation to the original planning application raises concerns regarding encroachment on the amenity of No.35 Berens Way. However the Council has raised no concerns regarding the impact upon neighbour's living conditions and as the proposed development is some distance from the boundary with No.35 Berens Way, I agree that the living conditions of the occupiers of that property would not be harmfully impacted.
14. There were also concerns raised regarding the impact upon foul drainage, surface water drainage and the potential for subsidence. The Council have requested a condition for surface water drainage details to be submitted to them and due to the increased amount of hardstanding resulting from the

additional access and the gradient of the site, this is reasonable. No objections were raised by the Council's Environmental Health Officer regarding the effect on foul drainage or subsidence and I have no reason to disagree.

Conditions

15. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty. A condition requiring the use of materials matching that of the existing building was requested by the Council. This would not be appropriate as the materials proposed on the plans would not fully match the existing dwelling. However, these materials are considered to be acceptable and therefore a condition has been included to ensure that the external surfaces are constructed from the materials detailed on the plans. As detailed above, a condition regarding surface water has also been included in the interests of sustainable drainage.
16. Conditions have also been suggested by the Council requiring details to be submitted and approved regarding boundary treatments and car parking in the interests of protecting the character and appearance of the area and ensuring highway safety respectively. As such details are already provided on the approved plans, I have amended these conditions to better reflect the advice in the national Planning Practise Guidance and the National Planning Policy Framework. (the 'Framework'). Also, in the interests of highway safety, and due to the steep nature of the site's location, the suggested condition restricting the gradient of the new access has been included. Although the appellant indicates that this would require a redesign of the proposal, there is no substantive evidence to support this.
17. A condition requiring details of refuse storage to be submitted and approved by the Council was requested, but as any storage would most likely be similar to the existing arrangements, I do not consider the condition to be necessary. Also paragraph 53 of the National Planning Policy Framework indicates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. As no such justification has been provided, this condition has not been included.

Conclusions and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR