

## Appeal Decision

Site visit made on 3 September 2020

**by Ian Harrison BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 October 2020**

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**Appeal Ref: APP/G5180/W/20/3249341**

**Land adjacent to 5 Den Road, Shortlands, Bromley BR2 0NH**

- 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 Ronald Fender Designs against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/19/04867/OUT, dated 14 November 2019, was refused by notice dated 12 February 2020.
  - The development proposed is the demolition of existing single storey garage/workshop and erection of one bedroom dwelling on existing footprint.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application was made in outline with all matters reserved for future consideration. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

4. Large detached dwellings positioned on substantial plots are a defining feature of the area surrounding the appeal site, albeit there are some semi-detached dwellings further along Den Road and the dwellings at the opposite side of Den Road to the appeal site sit on smaller plots. The size of the plots, the presence of substantial trees and the set back of the built form from the road creates a spacious and green residential environment.
5. The appeal site sits between the rear gardens of 75 and 77 Shortlands Road and the side boundary of 5 Den Road and hosts a single storey building that is screened from much of the surrounding public domain by the trees forward of the building and the neighbouring dwelling. The scale and appearance of the existing building creates the impression that it is an outbuilding that is associated with a nearby dwelling and, in combination with the extent to which the site is enclosed by walls, fences, trees and vegetation, the building has a discreet effect on the character of the area and sits comfortably within the residential setting.
6. Outline planning permission is sought for the erection of a dwelling at the site with all matters reserved for later consideration. The appeal site is substantially narrower than any other plot within the vicinity of the site and, therefore, any

dwelling erected at the site would not be able to reflect the pattern or grain of development within the locality. Moreover, due to the constrained shape of the site, any dwelling erected upon it would inevitably contrast with the buildings of the surrounding area in a manner that would exaggerate the impact on the pattern of development. Even if the proposed dwelling were of the same footprint as the existing building and of a scale that is subordinate to the surrounding buildings, as shown on the indicative plans, such a development would appear incongruous in the context of the dwellings of the surrounding area and the plots on which they sit. I have no basis to conclude that any other approach to the development would result in the dwelling being acceptable in those respects.

7. Policies 7.4 and 7.6 of The London Plan (2016)(The LP) and the National Design Guide (2019) (The NDG) identify that development should not be required to replicate surrounding buildings. However, Policy 7.4 of The LP also requires that development has regard to the pattern and grain of existing spaces and streets and the National Planning Policy Framework (The Framework) requires that development adds to the overall quality of the area and is sympathetic to local character. The NDG also seeks development to respond to existing local character and identity. Consequently, whilst a development being different is not necessarily a reason for it to be found unacceptable, in this case the constraints of the site would prevent the erection of a dwelling without that development being harmfully incongruous within its context and detrimental to the character and appearance of the area.
8. Although the site already features a building, the appearance and use of a dwelling would inevitably have a different effect on the character of the site and the surrounding area. Therefore, the presence of the existing building does not lead me to conclude that a dwelling would be able to be introduced to this narrow site in a manner that would accord with the abovementioned aims of The Framework and The NDG.
9. Whilst it is indicated that the dwelling would be in a similar position to the existing building, its precise positioning could be adjusted under the terms of the reserved matters submissions. Accordingly, if I were minded to allow the appeal, a condition could require the undertaking of an assessment of the arboricultural impact of the development and the means of protecting surrounding trees in order to inform those submissions and ensure the retention and protection of those trees. Therefore, the proposal would be able to accord with Policies 43 and 73 of the Bromley Local Plan 2019 (The BLP) which require the retention and protection of trees, including those within a Conservation Area, the boundary of which abuts the appeal site. However, even allowing for the trees to be retained and the landscaping of the site being supplemented, this would not mitigate the other effects of the development on the character and appearance of the area and does not alter my assessment in those respects.
10. For these reasons, the proposal would have an unacceptable effect on the character and appearance of the site and the surrounding area. The development would, therefore, be contrary to policies 4 and 37 of The BLP which together require that development enhances the quality of local places, respects local character, recognises and compliments the qualities of the surrounding area and contributes positively to the existing street scene.

### **Planning Balance**

11. The main parties agree that the Council is not able to demonstrate the existence of an adequate supply of housing land and, as such, the approach set out at paragraph 11d) of the National Planning Policy Framework (The Framework) is

applicable. The main parties have referred to an appeal decision<sup>1</sup> from 2019 where it was identified that, at most, the extent of housing supply was some 4.25 years and I have no evidence before me that demonstrates that the situation has changed or improved.

12. The Framework provides clear support for developments that boost the supply of housing and I have had regard to the weight that was afforded to the importance of the supply of housing in the determination of other appeals<sup>2</sup>. Therefore, whilst the benefit arising from the erection of a single dwelling at a small windfall site would be modest in the context of the abovementioned supply shortfall, these factors weigh substantially in favour of the proposal.
13. However, the nature and extent of the other social and economic benefits of the development that have been referred to by the appellant have not been clarified and, as such, I have no basis to conclude that they would be more than limited. Similarly, whilst I recognise that the dwelling would most likely be smaller than the surrounding dwellings, no details of the mix of housing needed to meet local needs has been provided and, as such, I am not able to conclude that this represents a benefit of the proposal. Furthermore, the proposal meeting other policy requirements and being acceptable in other respects, including the provision of adequate parking at the site, should be expected of all developments and, accordingly, these factors weigh neutrally.
14. The Framework also identifies that the creation of high quality places is fundamental to what the planning and development process should achieve and that developments should function well, add to the overall quality of the area and be sympathetic to local character. For the reasons set out above, the proposal would not accord with these aims and, in this instance, I afford very significant weight to the resultant harm that would be caused to the character and appearance of the area. Consequently, the harm caused by the development would significantly and demonstrably outweigh the benefits of the proposal and, therefore, the proposal would conflict with The Framework when taken as a whole.
15. Both parties identify that The BLP and The LP include policies that support residential development to varying degrees and I have had regard to the increased housing supply targets set out within the emerging Intend to Publish London Plan (2019) which demonstrates the continuing importance of ensuring an adequate supply of housing. However, the harm caused to the character and appearance of the area leads me to conclude that the proposal would be contrary to the development plan when taken as a whole and that the conflict is not outweighed by other material considerations, including The Framework.

## **Conclusion**

16. For the reasons given above, I conclude that the appeal should be dismissed.

*Ian Harrison*

INSPECTOR

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<sup>1</sup> APP/G5180/W/18/3206569

<sup>2</sup> APP/G5180/W/18/3206569 and APP/G5180/W/18/3206947