

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

Appeal Ref: APP/G5180/W/20/3250470

2 Welbeck Avenue, Bromley BR1 5DW

- 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 Ms Carolyn Carter against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03003/OUT, dated 8 July 2019, was refused by notice dated 14 October 2019.
 - The development proposed was initially described as a “new build 2 bedroom detached bungalow.”
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. At Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. 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

4. The main issue is the effect of the development on the character and appearance of the site and the surrounding area.

Reasons

5. The appeal site is located within a residential area that features a mixture of 2 storey dwellings and bungalows, with the bungalows often being at relatively prominent locations. The dwellings of Welbeck Avenue and the adjacent part of Burnt Ash Lane are positioned a similar distance from the road in most instances, with this being particularly apparent along Burnt Ash Lane, and as such the gardens and open land to the front and side of the dwellings contribute positively to the character of the area and create a spacious suburban environment.
6. The appeal site is located at the junction of Welbeck Avenue and Burnt Ash Lane and consists of the garden land at the side of the semi-detached bungalow, 2 Welbeck Avenue, that is outside the appeal site but shown to be within the appellants control. The side elevation of the existing dwelling aligns,

approximately, with the frontage of the dwellings of Burnt Ash Lane that are located to the rear of the application site. A small detached garage sits adjacent to the side of the existing dwelling and walls exist at the boundaries of the site that are shared with the highway.

7. The application seeks outline planning permission for the erection of a dwelling at the site and, although the matters of layout and scale are reserved, any dwelling positioned at the appeal site would be positioned closer to Burnt Ash Lane than any other dwelling within the vicinity of the site and well forward of the terraced dwellings to the rear of the appeal site. As such, the proposed development would be prominent within the locality and erode the pattern of development within the vicinity of the site that currently contributes to the character and appearance of the area. Even if the proposed development were of a scale and appearance that reflected the neighbouring bungalow, this would not be sufficient to enable a dwelling positioned at the appeal site to sit comfortably within its context.
8. Although the retention of the boundary wall at the site would partially screen the development from the public domain and the appellant has indicated that the dwelling would be positioned away from that boundary, the wall does not prevent views of the existing dwelling and would be unlikely to prevent views of the proposed dwelling, particularly if it were of a scale or design that were in any way similar to the existing dwelling as has been indicatively shown. Moreover, increasing the height of the boundary wall or lowering the ground levels within the appeal site would be unlikely to mitigate the effect of erecting a dwelling without causing conflict with the character and appearance of the area in some other way.
9. Given the small scale of the existing garage and its subordination to the host dwelling, it has a minimal visual effect on the site and the surrounding area. The erection of a dwelling, which would inevitably be larger, would therefore have a much greater effect on the alignment and pattern of development within the area. In this context, the removal of the garage would not represent a substantial benefit of the proposal and, even if it did, I have no basis to conclude that the erection of a dwelling at the site would be proportionate to any benefits arising in that regard.
10. It has been brought to my attention that a similar development has occurred at Ashdale Road in the London Borough of Lewisham but I have been provided with no details of the planning history of that development, its context, or the relevant development plan policies. As such, that development does not alter my assessment of this proposal.
11. For the reasons given above, the development would have an unacceptable effect on the character and appearance of the site and the surrounding area. The proposal would, therefore, be contrary to Policies 4 and 37 of the London Borough of Bromley Local Plan 2019 (The BLP) which together require that development is of high quality that complements the layout of adjacent buildings and the qualities of the surrounding area. The proposal would also be contrary to policies 3.5 and 7.4 of the London Plan 2016 (The LP) which require development to be of high quality design that has regard to the pattern and grain of spaces and streets and enhances the quality of local places.

Planning Balance

12. Whilst the issue was not explicitly raised by the appellant, the Council has acknowledged that it currently has no five-year housing land supply and, therefore, the most relevant policies should be deemed to be out-of-date. Consequently, in accordance with paragraph 11d) of the National Planning Policy Framework (The Framework) it is necessary for me to proceed on the basis that planning permission

should be granted unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits.

13. The proposal would represent a boost to the supply of housing and the efficient use of a small windfall site which is encouraged by The Framework. Therefore, even though the benefit to housing supply arising from the erection of a single dwelling would be limited, as no details of the extent of the supply shortfall have been provided be either main party, I shall proceed on the basis that the shortfall is significant and afford this benefit of the proposal substantial weight accordingly.
14. However, for the reasons set out above, the proposal would not add to the overall quality of the area or contribute to the establishment or maintenance of a strong sense of place as is required by The Framework. Moreover, the proposal would fail to accord with those parts of The Framework which identify that good design is a key aspect of sustainable development and that the creation of high quality places is fundamental to what the planning and development process should achieve. Therefore, I afford very significant weight to the harm that has been identified above and conclude that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
15. Whilst the appellant has identified that the proposed dwelling would be occupied by family members and I have given this justification for the proposal careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that, in general, planning is concerned with land use in the public interest and, for that reason, I find that this factor is not sufficient to outweigh the harm that would be caused in respect of the main issue.
16. The appellant has identified that housing developments are supported by Policies 1 and 3 of The BLP and Policy 3.3 of The LP and that the development of small sites is supported by Policy H2 of the emerging Intend to Publish London Plan (2019). However, for the reasons set out above, the harm to the character and appearance of the site and the surrounding area and the associated conflict with the policies of The BLP and The LP leads me to conclude that the development would conflict with the development plan when taken as a whole. That conflict would not be outweighed by other material considerations, including The Framework.

Conclusion

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

Ian Harrison

INSPECTOR

¹ Paragraph 008 Reference ID 21b-008-20140306