
Appeal Decisions

Site visit made on 19 October 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2020

Appeal A - Ref: APP/G5180/W/20/3244215

34 Westbury Road, Beckenham BR3 4DD

- 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 Mr Tomas Pohnetal against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03586/OUT, dated 16 August 2019, was refused by notice dated 12 December 2019.
 - The development proposed is the demolition of existing bungalow and erection of new detached house containing 4 apartments and associated bin storage, bike and car parking.
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Appeal B - Ref: APP/G5180/W/20/3250732

34 Westbury Road, Beckenham BR3 4DD

- 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 Pohnetal against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/00428/OUT, dated 28 January 2020, was refused by notice dated 3 April 2020.
 - The development proposed is the demolition of existing bungalow and erection of new detached house containing 4 apartments and associated bin storage, bike and car parking.
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Decisions

1. The appeals are allowed. Planning permission is granted for the demolition of existing bungalow and erection of new detached house containing 4 apartments and associated bin storage, bike and car parking at 34 Westbury Road, Beckenham BR3 4DD in accordance with the terms of the applications Ref: APP/G5180/W/20/3244215 & Ref: APP/G5180/W/20/3250732 subject to the conditions in the attached schedule.

Procedural Matters

2. As set out above there are two appeals on this site. They differ only in respect of the indicative plans accompanying each application with those submitted with Appeal B showing a proposal of more limited height, more limited rear projection and the provision of accommodation for fewer occupants. To avoid duplication as both appeals essentially seek the same outline approval, I have dealt with the two schemes together.
3. Notwithstanding the submission of plans which show details of matters which are reserved for future consideration, the two appeals are in outline with all

detailed matters reserved for a subsequent reserved matters application. I have therefore determined the appeals on this basis.

Main Issues

4. The main issues are the effect of the proposals on the character and appearance of the area and on the living conditions of future occupiers.

Reasons

5. The site is currently occupied by a modern bungalow. Buildings in the street largely comprise of more established and attractive, well sized two storey terraced and semi-detached dwellings. As a result, the property at the appeal site is somewhat of an anomaly.
6. The indicative plans show a building that would reflect the design of the neighbouring terraced houses, meaning that the resulting building in terms of its bulk and massing when viewed from the street-scene would be more reflective of the character and appearance of the area than that which is existing. Although flats would be provided as opposed to dwellings, this would not be obvious as the building would incorporate two front doors, as in the manner of a pair of semi-detached houses.
7. The plans indicate an increase in built footprint; however this would be provided to the rear of the site, and as such would not be obvious from the public domain. Even from points where such an increase would be noted such as the adjacent accessway or nearby rear gardens the increase in footprint would not be excessive and would be similar to existing properties within the area. The plans indicate that the strongly established front building line could be maintained by the proposals. While the plans indicate the provision of parking to the front of the building which would result in the loss of some of the front garden, the arrangement would be no different to some nearby properties to the south east who also utilise the majority of the front garden for hardstanding to provide parking.
8. The existing dwelling sits on a smaller plot than the majority of surrounding dwellings, which benefit from large gardens of a reasonably uniform size, given the presence of garages to the rear. The site does not therefore share the prevailing garden characteristics and the subdivision of the remaining garden for the two ground floor flats would not be harmful to the character and appearance of the area.
9. Given the presence of terraced houses within the street, it would also be possible to describe the setting as 'urban' as opposed to 'suburban', which would indicate the provision of housing at a greater density may be acceptable. The housing density figures drawn to my attention are generally considered to provide strategic policy support rather than figures to be applied mechanistically. The Council indicate that there is more intensive residential development within the area. I have considered the proposals in relation to the specific circumstances of the site and therefore find that due regard has been paid to housing density.
10. Indicative plans submitted alongside Appeal B show that the required levels of floorspace could be provided comparative to the number of residents proposed. No other concerns have been raised regarding the living conditions of future occupiers and I have no reason to disagree.

11. I therefore conclude that an acceptable development as described in the proposals could be devised which would be in keeping with the character and appearance of the area and which would provide acceptable living conditions for future occupiers based on the evidence provided. The proposals would therefore accord with Policies 4 and 37 of the Bromley Local Plan (2019) and Policies 3.5, 7.4 and 7.6 of the London Plan (2016) which amongst other things seek good quality design appropriate to local character which provides high quality accommodation.
12. There is disagreement over whether the Council can demonstrate a 5-year supply of deliverable housing sites. If it were the case that this could not be demonstrated, 'The presumption in favour of sustainable development' at paragraph 11 d) of The National Planning Policy Framework would be relevant to the determination of this appeal.
13. However, in any event, I have identified no conflict with the development plan and there is no reason to make my decision otherwise than in accordance with it.

Other Matters

14. I note concerns in relation to traffic and parking issues, although I note that the Council Highway Development Engineer has not objected and nothing within the evidence indicates that the proposal would be unacceptable in relation to this matter. The Council have not identified any unacceptable impact in relation to the effect of the proposal on privacy, light or overshadowing and I have no reason to conclude otherwise. Although there is concern at the loss of the bungalow, there is nothing firm within the evidence to indicate a harmful lack of this type of accommodation within the area.
15. There is no substantive evidence the appeal proposal would be likely to result in damage to other property and even so, these would be matters covered under separate legal rights. Any disturbance during construction would be temporary in impact and would be unlikely to be significant in relation to what is a modest scheme.

Conditions

16. The conditions set out in the accompanying schedule are based on those suggested by the Council in their appeal statement should the appeal be allowed. The appellant was given the opportunity to comment on them. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
17. Planning permission is granted subject to the standard time limits and submission of reserved matters details. Conditions requiring details of waste and cycle storage are necessary to promote sustainable waste management and encourage sustainable modes of transport. Details of surface water drainage works are necessary to ensure the site is sustainably drained. Condition 7 is necessary to ensure the property would be as accessible to as many future residents as possible. A condition relating to off street parking is necessary to alleviate pressure in relation to on street parking. A construction management plan is necessary given the demolition that is proposed and the proximity to other residential property.

18. The Council has suggested conditions requiring specific details of siting, design, external appearance, materials and landscaping. However, details pertaining to access, appearance, layout and landscaping would be considered at reserved matters stage and so it has not been necessary for me to impose such additional conditions.
19. I have not included an approved plans condition so as not to unnecessarily fix the parameters of the development. I have not added a condition relating to site levels as the site does not incorporate any significant gradients. There is no clear justification for a condition requiring the removal of permitted development rights. Conditions relating to wheel washing and a road survey are not necessary due to the small scale of development.

Conclusion

20. For the reasons set out above, I conclude that both appeal A and appeal B should be allowed subject to the conditions.

T J Burnham

INSPECTOR

SCHEDULE OF CONDITIONS FOR BOTH APPEALS A AND B

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Details of the arrangements for storage of refuse and recyclable materials shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. They shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5) Details of bicycle storage shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. They shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6) Details of surface water drainage works shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. They shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

- 7) The property shall not be occupied until the Building Regulations Optional requirement M4 (2) 'accessible and adaptable dwellings' has been complied with.
- 8) The property shall not be occupied until the off-street parking spaces have been completed and are available for use in accordance with the details to be submitted with the reserved matters. They shall thereafter be retained for the parking of vehicles for the lifetime of the development.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding where provided;
 - measures to control the emission of dust and dirt during demolition and construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.