



Appeal Decision

Site visit made on 28 September 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/G5180/W/20/3251613

167 Beaconsfield Road, Mottingham, London, SE9 4DY

- 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 Mr Rodhin Inaba against the decision of Council of the London Borough of Bromley.
 - The application Ref DC/20/00063/FULL1, dated 19 December 2019, was refused by notice dated 11 March 2020.
 - The development proposed is the erection of 2 storey 3b/4p residential house containing 2 x onsite parking & cycle store.
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupiers of 2a Framlingham Crescent, with particular regards to outlook and light.

Reasons for the Recommendation

Character and appearance

4. The appeal site comprises the side garden area of 167 Beaconsfield Road, the current end property in a terrace. A two-storey side extension to the appeal property has previously been granted¹ but construction of this extension had not begun at the time of my site visit. The proposal seeks permission to erect a three-bedroom property that would adjoin the approved side extension.
5. The area is a well-established, predominantly residential area with terraced housing. The site currently forms part of an open area at the end of a terrace, and is situated on a corner next to the junction of Beaconsfield Road and Framlingham Crescent. Open spaces like these are a characteristic feature of

¹ Planning application ref. 17/05157/FULL6

the area and provide an openness that contrasts with the otherwise built up nature of the street scene. They make a significant positive contribution to the character and appearance of the area.

6. I acknowledge that the proposal, in terms of its scale and size, would be seen as an extension to the terrace. However, the front elevation would contain windows that are larger than the existing front windows in the terrace and the brick detailing around the windows and the position of the first floor windows in relation to the eaves would not be reflective of the design details of the rest of the terrace. In addition, the siting of the entrance door to the rear of the property would mean the building would not be legible as a dwelling from the front. Accordingly, the development would not represent a harmonious addition to the terrace but rather would jar with its existing characteristics.
7. Furthermore, in order to match the building line of the existing terrace the proposed dwelling would be sited in close proximity to the rear boundary and the property would have no significant rear garden space. As a result the proposed dwelling would appear cramped in the plot. Moreover, the mass and scale of the proposed dwelling would significantly reduce the open area at the road junction, to the detriment of the pattern of development and the spatial arrangement of the area to the detriment of its quality.
8. For these reasons, the proposal would cause significant harm to the character and appearance of the area and as such would be contrary to policies 4 and 37 of the London Borough of Bromley Local Plan (January 2019) and policies 3.5 and 7.6 of the London Plan (March 2016), which all in various ways require development to be of a high standard of design that respects local character. Furthermore, paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area.
9. The Council's reason for refusal also refers to policy 6 of the Local Plan, however this policy relates to the enlargement of residential properties and therefore is not relevant to the proposed new dwelling in this case.

Living conditions of the occupiers of the neighbouring property

10. The proposed dwelling would be constructed close to the boundary with 2a Framlingham Crescent, and would be 1m from the boundary at its nearest point. No 2a has a rooflight in the side elevation facing the appeal site but no windows in the side wall. However, No 2a has a garden area to the rear and side of the property adjacent to the appeal site. Consequently, the scale and massing of the proposed dwelling in such proximity to the side garden area would have an overbearing impact and would result in an undue sense of enclosure to the side garden area. Furthermore, the proposed dwelling would be positioned to the west of No 2a and as such would cause overshadowing of the side garden area during the late afternoon and evening hours, which is illustrated in the appellant's Overshadowing Analysis.
11. For these reasons, the proposal would cause significant harm to the living conditions of the occupiers of 2a Framlingham Crescent and as such would be contrary to policy 37 of the Local Plan which seeks, amongst other things, for development to respect the living conditions of the occupiers of neighbouring buildings.

Planning Balance and Conclusion

12. The main parties agree that the Council is not able to demonstrate a 5-year housing land supply and there is no evidence before me to suggest otherwise. Consequently, paragraph 11 of the Framework and the presumption in favour of sustainable development applies. Paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) requires planning permission to be granted where the policies which are most important for determining the application are out-of-date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the provision of one additional unit would only make a small meaningful difference. Economic advantages would also arise from the construction and occupation of a new house, although these advantages would be temporary during the period of construction.
14. My attention has been drawn to two recent nearby appeal decisions² which state that substantial or very substantial weight should be given to the benefit of the provision of any housing in the area. I note that in these two appeals, the proposals were for 9 and 151 residential units respectively, and therefore would have a much greater impact on the housing supply than in the case before me, which would only have a small impact on the housing supply in the area. Furthermore, there would be significant harm in terms of impact on both the character and appearance of the area and on the living conditions of the occupiers of 2a Framlingham Crescent, and I give substantial weight to both in my assessment.
15. Therefore, in applying the tilted balance of paragraph 11 of the Framework, the adverse impacts of the proposal, set out above, significantly and demonstrably outweigh the benefits that would flow from the provision of one new dwelling, when assessed against the Framework taken as a whole.
16. The proposal would be contrary to the development plan and this conflict is not outweighed by other material considerations including the provisions of the Framework and paragraph 11 in particular.
17. Therefore, for the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR

² Appeal refs. APP/G5180/W/18/3206947 and APP/G5180/W/18/3206569