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## Appeal Decision

Site visit made on 2 November 2020

**by Chris Couper BA (Hons) DiP TP MRTPI**

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

**Decision date: 19/11/2020**

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**Appeal Ref: APP/G5180/W/20/3250822**  
**5 Gleeson Drive, Orpington BR6 9LJ**

- 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 Ms Lowe against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/19/04543/FULL1, dated 28 October 2019, was refused by notice dated 17 January 2020.
  - The development proposed is the demolition of the existing garage and the construction of a single storey, two bedroom dwelling to the rear.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on:
  - the character and appearance of the area; and
  - living conditions, with particular regard to the outlook, light and privacy at 4 Gleeson Drive and 1 Cloonmore Avenue.

### Reasons

#### *Character and appearance*

3. No 5 Gleeson Drive ('No 5') is located on a corner plot. The proposed dwelling would be sited towards the end of its rising long rear garden, which runs along the side of Cloonmore Avenue, and would replace a garage.
4. This stretch of Cloonmore Avenue, and the nearby part of Gleeson Drive, are overwhelmingly characterised by two storey, detached or semi-detached dwellings. They have a very consistent style and appearance; typically with a front-facing two storey bay window. The houses are set back from the highway, and most have substantial rear gardens, which can sometimes be glimpsed from the road. These characteristics give the area a locally distinctive sense of cohesion and spaciousness.
5. Whilst the proposed dwelling would be set back from Cloonmore Avenue, and would respect its prevailing building line, its single storey form would jar markedly with the area's established two storey character.

6. As many properties in the area have a small gap to the side boundary, and having regard to this dwelling's single storey form, the scheme would not conflict with Bromley Local Plan 2019 ('BLP') Policy 8. However, its rear face would be sited very close to the boundary, and unlike nearby dwellings it would not have a rear garden. In marked contrast to them, it would therefore appear cramped on its plot. That harm would be evident from the upper floor windows and rear gardens of some nearby dwellings on Gleeson Drive, and in the Cloonmore Avenue streetscene.
7. The scheme's front-facing bay window with gable, and steeply pitched roofs, pick up on the design of nearby properties, and it would be appropriately finished in brick, render and matching tiles. However, that does not overcome the significant harm to the area's character and appearance that I have identified due to the scheme's siting, layout and scale.
8. This scheme follows the dismissal at appeal of a two storey dwelling on the site (Ref: APP/G5180/W/19/3226895) ('previous appeal'). Compared to it, this scheme would be lower in height, with a reduced footprint, and it would be further from the nearest houses on Gleeson Drive.
9. However, having considered this scheme on its merits, it would conflict with BLP Policies 3, 4 and 37, and with London Plan (Consolidated with alterations) 2016 Policy 3.5. Amongst other things, these require development, including on garden land, to be to a high design standard which contributes positively to the streetscene and does not have an unacceptable impact on the character, appearance and context of the area.
10. It would also conflict with the need for good design and respect for local distinctiveness and identity as set out in the Council's Supplementary Planning Guidance No 2; and the similar stance in the National Planning Policy Framework ('Framework') and the National Design Guide. Whilst the emerging London Plan notes that, to meet increased housing targets, some changes to an area's character may need to be accommodated, for the above reasons the impact here would cause significant harm.

#### *Living conditions*

11. Some degree of mutual overlooking is common in residential areas such as this. The scheme has been designed with its main habitable room windows at ground floor only, facing the road and to the sides, with none to the rear.
12. I have had regard to the site's higher ground level relative to the dwelling at 4 Gleeson Drive ('no 4'). However, given the distance from the scheme's ground floor bedroom window and patio doors to that dwelling's rear face, the angle of view, and boundary treatment, it would not give rise to significant overlooking of, or loss of privacy to, those occupants. That is irrespective of whether vegetation in the garden of No 5 would be retained.
13. Whilst it would be roughly to the south of No 4's garden, from the available evidence, I am not persuaded that in this location and at this scale, the proposed dwelling would give rise to a significant loss of light to, or overshadowing of, that outdoor amenity space.
14. However, the rear face of the proposed dwelling would be very close to a significant length of No 4's rear garden. Whilst it would be single storey and

would have a hipped roof, its ridgeline would be fairly high, and the roof would have a considerable bulk to accommodate the dwelling's first floor.

15. The building would have a much more substantial scale and bulk than the garage it would replace. Consequently, it would have a significant overbearing and oppressive impact viewed from much of No 4's rear garden, and it would thereby significantly harm those occupants' living conditions.
16. Whilst the proposed dwelling would be visible from the rear garden of 1 Cloonmore Avenue, as it would be seen at a distance across part of No 4's garden, it would not have an overbearing impact on those occupiers.
17. I have had regard to the changes compared to the previous appeal, but having considered this proposal on its merits, for the above reasons, it would conflict with those parts of BLP Policies 3 and 37 which, in general terms, require development to respect the amenity of neighbouring occupiers.

#### *Other matters*

18. As some nearby dwellings already overlook this part of Cloonmore Avenue, the proposal would not result in a significant increase in surveillance.
19. In its favour, the scheme would enable the appellant's daughter to live independently. In accordance with various development plan and Framework policies, it would make an efficient use of the land and a small contribution to the supply of housing, within walking distance of services and amenities. That on a small site which could be delivered quickly. In these regards there would be moderate social and environmental benefits, as well as limited economic benefits during the construction period, and to the local economy from subsequent occupation.

#### **Planning Balance and Conclusion**

20. The scheme would cause significant harm to both the character and appearance of the area and to neighbouring occupiers' living conditions, contrary to the development plan. However, as the Council cannot demonstrate a five year housing land supply, the Framework states that those policies most relevant to determining the application are out-of-date.
21. Nevertheless, having regard to the three dimensions of sustainable development in the Framework, whilst there would be moderate benefits, particularly from the scheme's contribution to housing supply, there would also be significant environmental and social harm.
22. Applying the Framework's tilted balance at paragraph 11d), taking all the harm that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
23. The scheme does not therefore benefit from the Framework's presumption in favour, and as it would conflict with the development plan, having regard to all other matters raised, the appeal is therefore dismissed.

*Chris Couper*

INSPECTOR