The Planning Inspectorate

Appeal Decision

Site visit made on 9 November 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2020

Appeal Ref: APP/G5180/W/20/3254953
17 Chesham Road, Penge, London SE20 7RH

- 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 Plane against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/20/00981/FULL1, dated 6 March 2020, was refused by notice dated 22 May 2020.
- The development proposed is the erection of a new 3 bed, 5 person, semi-detached family dwellinghouse adjacent to the existing property at number 17. The proposed works include the demolition of the existing garage, and the partitioning of the existing oversized corner plot.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. However, the original description adequately describes the proposal and I have determined the appeal on this basis.

Main Issues

3. The main issues are a) the effect of the proposal on the living conditions of the occupiers at 15 Chesham Road (No. 15) with regard to outlook and sense of enclosure and b) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The proposed two storey dwelling would be attached to the side elevation of 17 Chesham Road (No. 17) which forms one of a pair of semi-detached houses on the corner of Chesham Road and Chesham Crescent.

5. No. 15, itself a semi-detached property sits to the south west of the appeal site. It sits at a lower height than the appeal proposal, the ridgeline of which would sit at a slightly greater height.

6. However, the two-storey section of the appeal proposal would not extend a significant distance beyond the rear elevation of this property. Further, the proposal would maintain a gap to the boundary, which No. 15 is also set away

from. The ground and first floor windows closest to the boundary are also set away from the side elevation of the property. The evidence also indicates that both rooms served by these windows are dual aspect. Further, the windows would retain their existing outlook over the well sized rear garden.

7. I therefore conclude on this issue that as a result of these factors in combination, I am not persuaded that there would be any unacceptable impact on the living conditions of the occupiers of No. 15 with regard to outlook and sense of enclosure.

8. The proposal would not therefore conflict with Policies 3 or 37 of the Bromley Local Plan (2019) (BLP) or SPG[1] guidance insofar as they relate to the protection of living conditions of nearby occupiers.

Character and appearance

9. The area has a residential nature of moderate density. Terraced residential properties prevail on Chesham Road and Chesham Crescent, interspersed with some semi-detached dwellings. The approach along Chesham Road from the north east has an urban feel with long terraces of residential property providing little relief or softening within the street scene.

10. The well sized gaps close to the application site, particularly those between No.17 and No.15, No. 24 and No.26 and the gap to the north of No. 19 provide significant relief, allowing views towards the often verdant and deep rear gardens to be appreciated from the public domain. They are a notable feature of the area and make a substantial positive contribution to its character and appearance. Such views would be substantially reduced at the appeal site as a result of the positioning of the proposed dwelling.

11. Further, the space available to the side of No. 17 is not substantial. In order to gain a reasonable footprint, the proposal would contort itself within the available space incorporating a dual front elevation while the footprint would taper to the rear. Within this context, the proposal would appear cramped and would also unbalance the traditional pair of semi-detached properties at No.17 and No.19. I note that Policy 8 of the BLP which relates to side space states that where higher standards of separation than 1 metre already exist, proposals will be expected to provide a more generous side space.

12. I therefore conclude on this issue that the proposal would have a significantly detrimental impact on the character and appearance of the area. As a result, it would conflict with Policies 4, 8 and 37 of the BLP and Policies 3.5 and 7.4 of the London Plan (2016) as well as SPG guidance which amongst other things require proposals of high quality design, that are reflective of local character that contribute positively to the existing street scene and which respect important views.

Other Considerations

13. The Council cannot demonstrate a five-year supply of deliverable housing sites, the evidence indicating a moderate shortfall with a supply of 3.31 years. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii. of the National Planning Policy Framework (the Framework) should be applied

[1] Bromley adopted supplementary planning guidance No.1 'General Design Principles' & No.2 'Residential Design Guidance'.

which establishes that the policies which are most important for determining the application are out-of-date.

14. Paragraph 213 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. The Framework places significant emphasis on achieving well designed places. At paragraph 127 it states that planning decisions should ensure that developments are visually attractive as a result of amongst other things, their layout. It also states that development should be sympathetic to local character, including the surrounding built environment. Even taking account of the objective of boosting significantly the supply of housing and the Council's housing land supply position, the conflict between the proposal and policies 4, 8 and 37 of the BLP should therefore be given significant weight in this appeal.

15. Set against the harm identified there would be limited social and economic benefits associated with the proposal. I have considered contentions about the weight to be applied to the provision of housing within the context of other appeal decisions within the borough that have been put before me. However, these appeals related to substantially different proposals involving the provision of larger numbers of dwellings, and every appeal should be considered on its own merits. A single additional unit would make only a very minor difference to the overall supply of housing. Consequently, the adverse impacts on the character and appearance of the area significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

T J Burnham

INSPECTOR