
Appeal Decisions

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 A - Ref: APP/G5180/W/19/3243344

29 Woodside Road, Bickley, Bromley BR1 2ES

- 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 South East Living Group against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/01350/OUT, dated 20 March 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the demolition of existing dwelling with the erection of 1x detached and 2x semi detached dwellings.
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Appeal B - Ref: APP/G5180/W/20/3250454

29 Woodside Road, Bickley, Bromley BR1 2ES

- 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 South East Living Group against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05321/OUT, dated 19 December 2019, was refused by notice dated 6 March 2020.
 - The development proposed is the demolition of existing dwelling with the erection of 2x detached dwellings.
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Decision

1. The appeals are dismissed.

Procedural Matter

2. The proposals are put forward in outline with all matters reserved other than layout and access. They are both accompanied by detailed illustrative plans showing the dwellings that could be developed. I acknowledge that the appellant would not be tied to such plans and that there may be alternative ways of developing the site. However no other detailed scheme has been suggested and I have afforded them weight in considering whether an acceptable scheme is capable of being devised at the reserved matters stage.

Main Issues

3. The main issues are the effect of the proposals on the character and appearance of the area and whether they would have an overbearing impact that would harm the living conditions of neighbouring occupiers.

Reasons

4. Woodside and Sunningdale Road are residential in nature. They incorporate a wide variety of properties of varying scales, designs and materials. 29 Woodside Road has an unusually large plot as a result of its corner location.
5. Whilst the dwellings proposed under both schemes would be set well back from the road frontage, such an arrangement would not be out of keeping with the character or appearance of the area. This is because the semi-detached properties immediately to the north at 62 (No.62) and 60 (No.60) Sunningdale Road are set well back within their plots in comparison to the properties immediately to the north which more closely front the street. When considering the mixed and varied street scene, the layout of the proposals would therefore have no unacceptable impact on the character or appearance of the area.
6. However, the layout of plot 1 on both proposals, by reason of its set back, which would be required in a large part, due to the narrow frontage and the level of development proposed would have implications for the living conditions of the neighbouring occupier to the north at No.62. The illustrative plans for both proposals show two storey dwellings incorporating accommodation across three floors, including within the roof space.
7. The impact on the south east facing windows on the side elevation of the main body of No. 62 would be limited as plot 1 on both proposals would be set behind the main body of the house. However, while the evidence indicates that the room is served by another window, the sheer bulk of plot 1 would be highly apparent from the kitchen window within the side elevation of the outrigger. More concerning would be the impact of plot 1 in relation to the garden of No. 62.
8. The evidence indicates that this is a much-valued space for the occupant. At only 3m from the boundary, the side elevation of plot 1 would span along a significant proportion of the garden which appears to be used as the main outdoor amenity area. It is likely that when viewed from the rear garden of No.62, plot 1 would have a dominating, enclosing and claustrophobic effect for the occupier of that dwelling resulting in plot 1 forming an overbearing feature.
9. I do not consider the impact on living conditions to be justified by the existing relationship between No. 60 and 58 Sunningdale Road (No.58). This is because No. 58 has a wider garden than No. 62 and because the relationship between the two properties would not be as direct as proposed under the appeal scheme given that No. 60 tapers away. Further, No. 58 retains a large garden space which is beyond the side elevation of No 60, the same would not be the case when considering the relationship between plot 1 and No 62.
10. I cannot therefore, having considered the illustrative plans, be assured that the proposals relating to both appeals A and B on the basis of their proposed layout would not have a significant and harmful impact on the living conditions of neighbouring occupiers at No. 62, which would detract from the occupier's enjoyment of their home.
11. The proposals would therefore be contrary to Policy 4 of the Bromley Local Plan (2019) (BLP) which amongst other things requires a high-quality layout. There would also be conflict with Policy 37 of the BLP which requires that development proposals respect the amenity of occupiers of neighbouring buildings. I have further identified conflict with Policy 7.4 of the London Plan (2016) (LP) which amongst other things requires that buildings should provide a high-quality design response whereby people feel comfortable with their surroundings.

12. Although the information presented by the appellant is limited in this respect, there is nothing to suggest that there would be any unacceptable impact on the occupiers of nearby properties in terms of sunlight, daylight or overshadowing. The final details relating to window arrangements could be resolved at reserved matters stage and there is no reason that there should be any significant adverse impacts in respect of the privacy of nearby occupiers.
13. There would therefore be no conflict with Policy 3 of the BLP or Policy 7.6 of the LP which refers specifically to these matters. I have not identified any conflict with Policy 3.4 of the LP which simply seeks to optimise housing output. There is no evidence to suggest the housing density proposed at the site would be unacceptable and in any event the density matrix figures should not be applied mechanistically.

Other Matters

14. While concern has also been raised in relation to the effect of the proposals on the living conditions of the occupiers of other residential properties, the illustrative designs of the proposed dwellings suggest that any negative impact could be acceptably mitigated. I have considered other local development sites brought to my attention, but they do not exactly replicate the circumstances at the site and I have therefore afforded them limited weight.
15. The evidence suggests that the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii. of the National Planning Policy Framework (the Framework) should be applied which establishes that the policies which are most important for determining the application are out-of-date.
16. 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 create places which promote health and well-being, with a high standard of amenity for existing users. 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 and 37 of the BLP should therefore be given significant weight in this appeal.
17. Set against the harm identified there would be limited social and economic benefits associated with the proposal. Two or three additional units would make only a very minor difference to the overall supply of housing. Consequently, the adverse impacts on the living conditions of the adjoining occupier 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

18. 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, neither appeal A nor B should succeed.

T J Burnham

INSPECTOR