
Appeal Decision

Site visit made on 27 November 2020

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020.

Appeal Ref: APP/G5180/W/20/3253146
80 Lennard Road, Beckenham SE20 7LY

- 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 Susan Smyth against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/00549/FULL1, dated 23 March 2020, was refused by notice dated 18 May 2020.
 - The development proposed is the demolition of the existing double garage and the erection of a two storey 2-bed detached coach house style.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing double garage and the erection of a two storey 2-bed detached coach house style, at 80 Lennard Road, Beckenham SE20 7LY, in accordance with the terms of the application, Ref DC/20/00549/FULL1, dated 23 March 2020, subject to the conditions contained in the schedule of conditions set out below.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - the character and appearance of the area;
 - the living conditions of occupiers of 80 Lennard Road, with particular regard to outlook and daylight; and
 - highway and pedestrian safety.

Reasons

Character and appearance

3. The appeal site is located in a residential street, predominantly characterised by two storey houses, although the pair of semi-detached properties comprising the appeal site and No 78 have three storeys, with the third storey in the roofspace. The Council in its statement of case says that this section of Lennard Road comprises predominantly large two storey semi-detached Victorian dwellings. This is true of the south-west side of the road. However, on the north-west side of the road, of the seven houses from Nos 70 to 84, only two are Victorian semi-detached houses; the appeal property and its

neighbour at No 78. The other five are a mix of detached and semi-detached two storey houses, of varied age and design, dating from the 20th century.

4. As well as a considerable variation in the appearance of the dwellings along this part of Lennard Road, there is also considerable variety in the width of the plots. The appeal site is much wider than the average, whilst Nos 72 and 76 in particular are located on plots that are only a little wider than that intended for the new dwelling on the appeal site. The proposed dwelling would therefore not be sited on a plot that would appear uncharacteristically narrow and its plot size would be adequate for the size of house proposed.
5. The gaps between the new house and its proposed neighbours at No 80 and 84 would be smaller than most such gaps in Lennard Road. However, this is not a road, at least not on its north-eastern side, that derives its character from a regular pattern of built form and gaps of regular sizes. Larger gaps between houses exist, as do ones only a little wider than that proposed in the appeal scheme. I do not consider that the proposed dwelling would appear cramped in relation to its neighbours, or out of keeping with the pattern of development in the road in this respect.
6. The proposed design of the new dwelling would involve a large area of flat roof, with a gable feature in the front elevation. Because of the steep slope of the roof to either side of this gable feature, it is likely that part of the side elevation would be visible from the road, in the gap between No 80 and the new house, which would result in the extent of the flat roof being evident. In addition, the ground floor window in the front elevation would have a horizontal emphasis, whereas all the windows in the front of Nos 80 and 84 have a vertical emphasis. It would also not be centrally located under the gable. All of these elements of the design would in my opinion make the proposed new dwelling appear somewhat awkward in its setting, particularly as the differences between it and its neighbours would be very obvious with such close juxtaposition.
7. On the first main issue, I conclude that, because of the specific proposed design elements I have identified above, the proposed development would have an adverse effect on the character and appearance of the area, contrary to Policies 3.5, 7.4 and 7.6 of the London Plan and Policies 4 and 37 of the London Borough of Bromley Local Plan (2019) (LP), which require, amongst other things, high quality development, and buildings that have regard to the pattern and grain of existing spaces and streets, and complement the scale, proportion, and form of adjacent buildings.

Living conditions of occupiers of 80 Lennard Road

8. The Council is concerned about the potential impact of the proposed new dwelling on the windows in the side elevation of No 80. I noted on my site visit that all four of the affected windows (two on the ground floor and two on the first floor) are obscurely glazed. As a result, their outlook would not be affected. I am told by the appellant that the windows at ground floor level, which would be most affected by any loss of light, serve a utility room and a cloakroom. Neither of these is a habitable room, and the loss of light that they would suffer therefore carries little weight. I do not consider that any loss of light that the rooms served by the other obscurely glazed windows on the first floor of No 80 might suffer would constitute an adverse effect on the living conditions of its occupiers.

9. I conclude that the proposed development would not have an unacceptable effect on the living conditions of occupiers of 80 Lennard Road. In this respect, it would comply with Policy 7.6 of the London Plan and Policy 37 of the LP, which require development to not cause unacceptable harm to the amenity of surrounding land and buildings and to allow adequate daylight to penetrate between buildings.

Highway and pedestrian safety

10. Although not shown on the submitted plans, the appellant says in his grounds of appeal that the scheme would provide one parking space per dwelling, being a total of two in shared parking on the gravelled area in front of No 80. This is below the amount required in the Council's adopted parking standards, which, according to the information provided by the Council, would amount to a minimum of 2.5 to 3 spaces for the two dwellings (depending on the number of bedrooms in No 80). I do not consider that this under-provision of 0.5 to 1 space would result in any material increase in parking demand in the area, to the extent that it might lead to harm to highway or pedestrian safety. Ensuring that the two spaces said to be available by the appellant are indeed provided could be dealt with by condition.
11. The Council is also concerned that the pedestrian entrance to the new house in its side elevation would result in conflicts between pedestrians and vehicles from different households. Again, this is not shown on the submitted plans, but it is clear from my site visit that there is ample space to provide a safe walkway to the proposed entrance of the new dwelling, whilst avoiding the two parking spaces in front of No 80. This could also be dealt with by condition.
12. I therefore conclude that the proposal would not have an unacceptable effect on highway or pedestrian safety, and would comply with Policy 6.13 and Policies 4 and 30 of the LP, which, amongst other things, set out minimum and maximum parking standards, and require off-street parking that is well integrated with the overall design of the development.

Other Matters

13. In its delegated report, the Council accepted that it could not at that time (in May 2020) demonstrate a five year supply of deliverable housing sites. The Council has not told me, in its statement of case or elsewhere, that this is no longer the position. I must therefore determine this appeal on the basis that the Council cannot demonstrate a five year supply of deliverable housing sites. In this situation, the provision of any additional housing is of considerable benefit.
14. In the current appeal, one additional dwelling would be provided. The provision of one dwelling would only make a small contribution towards the housing shortfall in the Borough. However, the provision of a new dwelling within the urban area is in line with the preferred approach to housing provision set out in the National Planning Policy Framework (the Framework). I attach significant weight to this as a benefit of the appeal scheme.

Planning balance

15. I concluded above that the proposed development would have an adverse effect on the character and appearance of the area, because of the specific proposed design elements that I identified. As a result, the proposal would be

contrary to Policies 3.5, 7.4 and 7.6 of the London Plan and Policies 4 and 37 of the LP. These policies are in line with the emphasis in the Framework on achieving well-designed places, and I give this conflict significant weight.

16. I have also concluded that the proposed development would not have an unacceptable effect on the living conditions of occupiers of 80 Lennard Road, or on highway or pedestrian safety. The lack of harm in these areas are neutral factors, weighing neither for nor against the appeal proposal.
17. I have not been provided with evidence by either main party in relation to the housing policies of the LP. In their absence, I must conclude that the conflict with the other policies that I have identified and have set out above means that the appeal proposal conflicts with the development plan as a whole.
18. As stated by the Council in its delegated report, the authority cannot demonstrate a five year supply of land and, as a result, the 'tilted balance' set out in paragraph 11 (d) ii of the Framework is engaged. This means that I should grant permission for applications involving the provision of housing, 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.
19. I attach significant weight to the provision of an additional housing unit, and consider that the adverse effect on the character and appearance of the area should also be afforded significant weight. This degree of harm does not significantly and demonstrably outweigh the benefits associated with the appeal proposal.
20. I have concluded that the proposal would conflict with the development plan as a whole, and that the adverse impacts of allowing the appeal to proceed would not significantly and demonstrably outweigh the benefits associated with the appeal proposal. Section 38(6) of the Planning and Compulsory Purchase Act (2004) says that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In the circumstances of this appeal, and taking account of all the evidence before me, the totality of the other material considerations justifies making a decision other than in accordance with the development plan.

Conditions

21. In addition to the standard time condition, another listing the submitted plans is required, to provide certainty as to what has been approved. I also agree that conditions requiring matching external materials, and that details of boundary treatments and refuse storage should be agreed, are all needed, to ensure that the character and appearance of the area is preserved. A condition requiring the submission of car parking details is necessary, in the interests of highway safety. This should also include details of pedestrian access to the new dwelling. A condition requiring the submission of a scheme for surface water drainage is also required, to ensure that any risk of flooding is minimised.
22. I have imposed conditions relating to these matters, as suggested by the Council, amended where necessary to reflect the advice in the government's Planning Practice Guidance (PPG), including the advice discouraging the use of pre-commencement conditions.

23. The Council has also suggested a condition that states "*The RSPB Bromley Local Group recommends installation of 2 integral swift nest bricks*". Whilst a worthy objective, this condition does not meet the tests of precision or enforceability required by the PPG, so I have not imposed it.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted subject to the conditions.

Michael J Muston

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6187-001, 6187-011, 6187-012, 6187-013.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to any works to connect the new dwelling to the surface water drainage system, a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority. This shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system. The approved drainage scheme shall be implemented in full prior to first occupation of the development hereby permitted.
- 5) Prior to first occupation of the development hereby permitted, details of the proposed boundary treatments, including any gates, walls or fences, shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to occupation of the building and retained thereafter.
- 6) Prior to first occupation of the development hereby permitted, details of arrangements for the storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be completed before first occupation of the development hereby permitted, and retained thereafter.
- 7) Prior to first occupation of the development hereby permitted, details of parking spaces for the new dwelling and for No 80 Lennard Road, and details of the means of pedestrian access to the new dwelling, shall be submitted to and approved in writing by the Local Planning Authority. Such provision as approved shall be completed before the first occupation of the building hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land in such a position as to preclude vehicular access to the said land.