



Appeal Decision

Site visit made on 30 November 2020

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30/12/2020

Appeal Ref: APP/G5180/W/20/3251367
112 Crofton Road, Orpington BR6 8HZ

- 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 Nada Sukkarnan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05335/FULL1, dated 19 December 2019, was refused by notice dated 11 March 2020.
 - The development proposed is the demolition of the existing garage and part of the existing dwelling and the erection of one detached two storey, three bedroom dwelling on land to the rear of 112 Crofton Road, with associated landscape and car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Bromley Local Plan ('BLP') was adopted in 2019 and replaced the Bromley Unitary Development Plan which no longer forms part of the statutory development plan.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of adjacent occupiers, with particular regards to noise and disturbance at 114 Crofton Road.

Reasons

Character and appearance

4. BLP Policy 3 sets out that residential development on backland or garden land will only be acceptable if, amongst other things, at part a), there would not be an unacceptable impact on the character, appearance and context of the area.
5. The rows of detached and semi-detached houses along this stretch of Crofton Road are set back from the highway, with their front elevations directly addressing it. The houses on this side of the road have consistently long rear gardens, typically containing trees and other vegetation. Given their siting, size and landscaping, these gardens have a secluded ambience. Whilst they

can only be glimpsed from the road, they are clearly apparent from the properties themselves, and they make a significant contribution to the area's spacious, verdant and locally distinctive character.

6. The host property's garden is largely laid to lawn with a few trees, but does not appear neglected and disused as claimed. Other than sheds and similarly modest structures, the nearby gardens on this side of Crofton Road are also mainly free from built development.
7. I have no reason to doubt that the scheme's detailed design would be good quality. However, irrespective of whether it would constitute 'tandem development', the siting of this large building behind No 112, and near the end of that property's long rear garden, would be wholly unrelated to its context. Whilst it would not be prominent from public vantage points, and additional landscaping is proposed, it would still be markedly at odds with the established grain and pattern of local development.
8. I have considered the other schemes cited at paragraphs 102 to 119 and at Appendix 5 of the appellant's statement. Of the closer examples, the flatted development at 132 Crofton Road directly addresses the highway; and, although I do not have all the details of the nearby scheme at 39 and 41 Oregon Square, that area is characterised by bungalows on small plots and a greater development density than here.
9. I also have limited information regarding the planning history of the two dwellings to the rear of 22-26 Crofton Lane. However, that development, which is further from the appeal site, involved the amalgamation of a number of gardens, and is atypical of this area. None of the cited examples alter my conclusions regarding this scheme's impact here.
10. Whilst the National Design Guide 2019 does not require schemes to replicate existing development, it states that they should integrate with their surroundings. This scheme would not, and it would cause substantial harm to the character and appearance of the area. It would therefore conflict with BLP Policy 3 part a); along with the similar requirements of BLP Policies 4 and 37 for development to be of a high design standard, with site layouts and space around buildings which recognises and complements the quality of the surrounding area.
11. It would also conflict with the National Planning Policy Framework ('Framework') requirement for development to be sympathetic to local character, and to maintain a distinctive sense of place.

Living conditions

12. The proposed dwelling would be accessed via a driveway between the host dwelling and 114 Crofton Road. Whilst a narrow 1.5m landscaping strip would separate it from the fenced boundary, it would be a deep driveway, which would run parallel to most of No 114's rear garden.
13. Vehicular speeds on this driveway would typically be low, and movements associated with a three bedroom dwelling in this accessible location would be fairly modest and intermittent. However, whilst there is background noise from traffic and aircraft, given the established local character here, the occupants of No 114 may reasonably expect significant peace and quiet in their rear garden, without noise and disturbance from adjacent vehicular movements.

14. Along the length of Crofton Road, and as illustrated at Appendix 6 of the appellant's statement, there are examples of shared crossovers and accesses between frontage properties. However, I have limited details of those examples, such as the driveway lengths, the relationship with adjacent uses, and what development they serve.
15. Whilst electric vehicle docking stations could be provided, that does not ensure that only electrically powered vehicles would access this site; and I have no details of the suggested noise barrier fencing to enable me to assess any mitigating impact that it may have.
16. BLP Policy 3 part c) and Policy 37 part e) require development to respect the amenities of neighbouring occupiers with regards matters such as noise and disturbance. For the above reasons, the scheme would cause moderate harm to the living conditions at No 114, and there would be a conflict with those policies, and with the similar stance at paragraph 127(f) of the Framework.

Other matters

17. The Council's pre-application advice letter dated 3 May 2019 related to two dwellings on the site, and set out that the proposal would be detrimental to the character, appearance and context of the area. Consequently, I do not consider that it materially shifted its position with regards this scheme, which I have, in any event, dealt with on its merits.
18. Although additional planting is proposed, this scheme is not the only way in which that could be undertaken, and I have little cogent evidence to indicate that there would be significant bio-diversity enhancements.
19. In its favour, there would be modest economic benefits during the dwelling's construction, and from its subsequent occupation. The proposal would also make an efficient use of the land in a location with good access to public transport, including evolving cycle infrastructure. In those regards it finds support from the Framework, as well as from the development plan. However, whilst The London Plan 2016 seeks to increase housing densities in accessible locations, it also requires development to take account of local context and character.
20. The scheme finds particular support from the Framework's requirement to significantly boost the supply of housing. Although only one dwelling would be delivered, and the Council states that it is making progress in addressing its five year housing land supply shortfall, this is nevertheless a significant benefit.

Planning Balance and Conclusions

21. I have found that the scheme would cause substantial harm to the character and appearance of the area, as well as moderate harm to adjacent occupiers' living conditions, contrary to the development plan. However, given that the Council cannot demonstrate a five year housing land supply, those policies which are most important for determining the application are out-of-date.
22. There would be a significant benefit from the delivery of a single dwelling, and modest economic benefits. Nevertheless, applying the Framework's tilted balance at paragraph 11d), taking the harms that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits that it would deliver when assessed against the policies in the

Framework taken as a whole. The scheme does not therefore benefit from the Framework's presumption in favour of sustainable development.

23. Whilst I have considered other issues raised by interested parties, given my findings on the main issues, it has not been necessary for me to address them. The scheme would conflict with the development plan when considered as a whole, and the appeal is therefore dismissed.

Chris Couper

INSPECTOR