



Appeal Decision

Site visit made on 5 January 2021

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/G5180/W/20/3246228

25 Ingleby Way, Chislehurst BR7 6DD

- 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 Mr Relph against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05145/OUT, dated 5 December 2019, was refused by notice dated 3 February 2020.
 - The development proposed is demolition of existing bungalow and replacement with two 4 bedroom semi-detached properties each with integral garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the outline proposal on the living conditions of occupants at 23 Ingleby Way (No 23).

Reasons

3. This appeal relates to outline permission for two, four bedroom semi-detached properties with integral garages. All matters are reserved.
4. Ingleby Way is residential in character with a variety of dwelling styles including both single and two-storey properties, some detached and others semi-detached. There is an extant permission at the appeal site for a detached, two-storey five-bedroom property with garage and roof-space bedrooms. It would have a similar scale and position to the proposal. Consequently, the principle of the proposal is not in dispute and would respect the current character and appearance of the area.
5. To accommodate three bedrooms at first floor level, whilst retaining the front building line approximately in line with adjacent properties, the two-storey proposal would be likely to extend further back than the existing house. No concerns have been raised with regard to the impact of this upon neighbouring occupiers at No 27 which has a blank gable wall facing the proposed side elevation. However, No 23 which sits to the north east of the appeal site, has a single-aspect upper storey flank bedroom window. This would be around 3.5m away from, and face, the second storey gable wall of the proposal. Consequently, due to its probable height, mass and proximity, the closest semi-detached property would be likely to harm the occupiers' outlook by

overshadowing this window. Furthermore, the addition of a second floor in this position would be likely to affect No 23's access to light, particularly towards the latter part of the day.

6. It is contended that the extant outline scheme represents a proposal of the same height and siting to that before me. However, the illustrative five-bedroom scheme shows a relatively spacious layout for the first and attic floors. This would allow considerable scope to alter the upper floor configuration at the reserved matters stage whilst retaining the same number of bedrooms. A first-floor set-back could therefore be accommodated which could mitigate the impact of a two-storey building adjacent to the flank window at No 23.
7. The proposal however, has less scope to accommodate this with a less spacious and less flexible upstairs layout. It has therefore not been demonstrated how the relationship between No 23 and the proposal could be altered at the reserved matters stage to resolve both this conflict and retain four bedrooms within each dwelling.
8. The effect of this proposal is therefore likely to significantly harm the living conditions of occupiers of No 23 with respect to outlook and access to light. This would conflict with Policy 37 of the London Borough of Bromley Local Plan 2019 (Local Plan). This policy, amongst other matters, seeks that proposals do not have an overshadowing effect and respect neighbouring occupiers' access to daylight/sunlight.

Planning balance and conclusion

9. The Council states that a five-year supply of housing land cannot be demonstrated. Consequently, the approach set out at paragraph 11(d) of The National Planning Policy Framework 2019 is applicable. This states that where a five-year housing supply cannot be demonstrated, those policies most relevant to determining the application are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
10. Although Policy 37 of the Local Plan is deemed to be out of date, it is consistent with the Framework, specifically paragraph 127 which promotes health and well-being and a high standard of amenity for existing and future users. I therefore give conflict with this policy significant weight within my decision.
11. In conclusion, the harm identified to the living conditions of occupiers at No 23 which would arise from this proposal, significantly and demonstrably outweighs the proposed modest increase in housing provision from one to two dwellings.
12. For the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR