



Appeal Decision

Site visit made on 26 January 2021

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/G5180/W/20/3258031

Land at rear of 2A/2 Plantation Drive, Orpington Kent BR5 4NY

- 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 C Powell against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/00576/FULL1, dated 9 February 2020, was refused by notice dated 17 August 2020.
 - The development proposed is the erection of a one bedroom bungalow.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms C Powell against the Council of the London Borough of Bromley. This application is the subject of a separate decision.

Procedural Matter

3. The decision notice included two reasons for refusal, one of which related to the lack of off street parking for No 2A Plantation Drive. However, since that decision, agreement has been reached with the Highway Authority for the provision of a parking space in the rear garden of No 2A and a plan accompanying an email dated 29 July 2020 from the Highway Officer indicates those details. Subsequently, the Council advises that the appellant submitted a plan on 14 October 2020 containing the same details and which was considered acceptable. On that basis the Council no longer wishes to contest the highway reason for refusal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises an area of land which previously formed part of the garden of No 2 Plantation Drive and which is located on the north side of Quilter Road, close to the junction with Plantation Drive. It is rectangular in form and enclosed by a tall fence to the road frontage. To the east there is an access to a garage block, to the north the rear garden of No 4 Plantation Drive

whilst to the west, the rear gardens of Nos 2 and 2A Plantation Drive. The latter is a 3 bedroom house, attached to No 2, which was granted permission on appeal in 2015 (the 2015 appeal)¹. The surrounding area is residential in character, but with a variety of architectural styles. Building heights are predominantly two storey but with some three storey elements to provide vertical interest.

6. Prior to the 2015 appeal, a proposal to erect a two bedroom bungalow on part of the rear garden of No 2 Plantation Drive and fronting Quilter Road, was dismissed on appeal in November 2012, the Inspector finding that it would comprise a visually disruptive and uncharacteristic intrusion into a generally open garden space (the 2012 appeal)².
7. The appellant argues that much has changed since the 2012 appeal in terms of the development on the south side of Quilter Road, the new property at No 2A Plantation Drive, and the Council's own policies. It is considered that from a density point of view the bungalow would be consistent with the surrounding area and that together with good separation from surrounding development, it could not be regarded as being cramped.
8. I tend to agree with the appellant that the character of the immediate area has changed more significantly than the Council suggests, particularly with the development on the southern side of Quilter Road opposite the site. However, if anything, that development has reinforced the scale of built form in the area which is predominantly two and three storeys in height. By contrast, the proposed bungalow with its very low pitch roof and small size would appear as an awkward and incongruous built form in the context of the street scene. Also, whilst in overall density terms it might be comparable with the surrounding area, in relation to the site itself I consider it would still appear cramped when viewed from Quilter Road in particular, because of the limited space between the proposed bungalow and the front, rear and eastern boundaries. In those respects, I agree with the analysis of the Inspector in the 2012 appeal which in my view remain relevant to the current scheme including the finding that the overall effect on the street scene would appear contrived and unconvincing.
9. Although I have been referred to other examples of bungalows being sited alongside larger properties, the site history and full circumstances of those cases are not before me. In any event it is not a good reason to perpetuate poor design within a streetscene and I have reached my findings above based on this particular site and its relationship to nearby built form.
10. The 2015 appeal raised different issues in that the Inspector dealing with that appeal felt the proposed building related more to the impact upon the character of Plantation Drive, rather than the Quilter Road frontage.
11. Whilst the appellant rightly points out that the policies of the Council have changed since the 2012 decision and that they do not specifically rule out a proposal such as this, the objective of those policies is very clear. I note in particular for example that Policy 7.4 of the London Plan says that in areas of ill-defined character, development should build on the positive elements that can contribute to establishing and enhance character for the area. Policy 7.6 of

¹ Appeal Reference APP/G5180/W/15/3129026.

² Appeal reference APP/G5180/A/12/2168515

the same plan says that development should make a positive contribution to the streetscape. That is also the main thrust of Policies 4 and 37 of the Council's Local Plan 2019 (LP) which refer, inter alia, to the need to enhance quality of local places, to positively contribute to the existing street scene and to be of high quality design. Such objectives are also set out in the National Planning Policy Framework (the Framework) which refer in paragraphs 124 and 127 to the importance of good design and that development should add to the overall quality of the area. For the reasons set out above, I do not consider that would be the case with the current proposal.

12. Turning to highway matters, the proposed development would provide one on-site parking space for the bungalow which would accord with the Council's standards. I also consider that the proposed parking for No 2A Plantation Drive shown on the appellant's plan submitted in October 2020, would be acceptable in providing parking for that property. Had I been minded to allow the appeal I consider that an appropriate condition to provide for its implementation could have been imposed. I note that the property currently has an apparently unauthorised parking space and dropped kerb on the corner of the junction with Quilter Road. However, that is not a matter which is the subject of this appeal and is for the Council or Highway Authority to pursue separately.

Conclusions

13. The Council advises that it currently cannot demonstrate a 5 year Housing Land Supply. As such the Framework advises in paragraph 11 that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
14. In that context, I acknowledge that the proposal would be a windfall site, albeit for one dwelling only, and that because of its limited size, it may provide a useful starter home as the appellant suggests. However, given the streetscene harm which would occur, which would directly conflict with policies in the London Plan, LP and the Framework as referred to above, I attach lesser weight to those limited benefits and find that they would be demonstrably outweighed by the harm and conflict with policy that I have set out above.
15. Accordingly, the appeal should be dismissed

Kim Bennett

INSPECTOR