
Appeal Decision

Site visit made on 22 February 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/G5180/W/20/3260644

6a Hilda Vale Close, Farnborough, Orpington BR6 7AH

- 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 & Mrs TA & HC Nichols against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05045/FULL1, dated 26 November 2019, was refused by notice dated 6 April 2020.
 - The development proposed is demolition of existing garage and erection of detached two storey 2 bedroom dwelling with associated parking on land adjacent to Nos 6 and 7 Hilda Vale Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development that I have used in the banner heading above has been taken from the Council's decision notice. I consider it to be usefully more concise to that provided on the planning application and appeal forms and have thus employed it here.
3. The appellants have put forward a revised plan, drawing Ref A305 'Suggested Alternative Parking Arrangement' submitted with their appeal. This amended plan shows the proposed parking within the blue line area reduced from four to three parking spaces. This additional information has been produced to inform the appeal process. The Council's technical highways adviser has had the opportunity to comment upon the revised parking layout as part of the appeal process. The appeal process has provided third parties the opportunity to comment upon this revised plan. In accepting this drawing, I do not consider the interests of third parties would be prejudiced. For this reason, I have had regard to this plan.

Main Issues

4. The main issues raised by this appeal are: -
 - a) The effect of the proposed development upon the character and appearance of the area;
 - b) The effect of the proposed development upon the living conditions of occupiers; and

- c) Whether a satisfactory parking layout associated with the development would be achieved.

Reasons

Character and appearance

5. This residential street is characterised by properties set back from the public highway behind open grassed frontages interspersed with trees. This openness of the frontages within Hilda Vale Close creates a distinctiveness to the character of the street giving the Close a verdant appearance and a sense of place. I observed that the existing garage is set forward of existing properties within the area but being a relatively small single storey structure it does not visually impinge substantially upon the open spacious character of the existing street scene.
6. The two-storey dwelling would be a substantially larger building than that of the garage it would replace. It would also be positioned closer to the highway. As a result, the proposed dwelling would be out of keeping with the pattern of development within the Close. Furthermore, it would be considerably more visually prominent than the existing garage within the Hilda Vale Close street scene and would diminish the open and spacious character of the area. Indeed, the image 'proposed view from Hilda Vale Road approach' provided by the appellants within their Full Statement of Case show this would be the case. The proposal would have a lower eaves and ridge height and have a footprint 25% the size of the adjacent maisonettes. However, these factors would not overcome the conspicuous forward siting of the proposed development within the street scene and, as such, would not make the development visually acceptable.
7. In addition to the above, given the limited size of the site, the dwelling would have the appearance of a development squeezed onto the site. The resulting appearance of the dwelling would be of a constrained development within its plot. Furthermore, unlike the other properties within this street scene the dwelling would not have a front garden. This would not reflect the context of the existing development within the locality.
8. Taking these matters collectively, the proposed dwelling would be visually harmful to the Hilda Vale Close street scene. The visual harm would be apparent in public views and to the existing occupiers of the Close.
9. I acknowledge that the proposal has acquired pre-build Gold accreditation 'New-Build Homes 2019' and would provide suitable accommodation meeting nationally described space standards and performance standards. The proposal would increase the green space at the appeal site compared to that currently, in line with the encouragements of the 'Urban Greening Factor'. This would be beneficial to site ecology and would also provide outdoor space for future occupiers in accordance with required standards. In respect of outdoor amenity space, I have had regard to an allowed appeal relating to residential development at land adjacent to 29 Chesterfield Close, Orpington where the amount of outdoor amenity space was a consideration. The proposal would reduce the amount of impermeable concrete at the site and the development may improve security in the area as advocated by 'Secured By Design'. These are all merits of the proposed scheme. Nonetheless, these would not overcome

my concerns in relation to the harmful visual impact resulting from the proposed development nor would they justify the proposed development.

10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policies 4 and 37 of the Bromley Local Plan (January 2019) that seek, amongst other matters, development to recognise as well as complement the qualities of the surrounding area and positively contribute to the existing street scene. The National Planning Policy Framework recognises the importance of local distinctiveness and seeks development to be sympathetic to local character and to maintain a strong sense of place. I consider Local Plan Policies 4 and 37 to be consistent with the objectives of the Framework.

Living conditions

11. The appeal property would have an oblique siting to the side and front of 6 and 7 Hilda Vale Close. The front windows within the existing dwellings would enable an oblique outlook toward the proposed dwelling. Reciprocally, there would also be some oblique outlook from the proposed dwelling toward numbers 6 and 7. Whilst it is possible that overlooking could take place from time-to-time, such views would need to be actively sought by occupiers being close to windows within the respective properties. I do not consider this would be a regular occurrence from the normal day-to-day use of the residential properties.
12. For these reasons, I conclude that the proposed development would not lead to unacceptable harm to the living conditions of occupiers. The proposal would, therefore, not materially conflict with Policy 37 of the Bromley Local Plan that seeks, amongst other matters, development to respect the amenity of occupiers of neighbour buildings and those of future occupants by ensuring they are not harmed by inadequate privacy.

Parking layout

13. The proposal would involve the relocation of parking in front of and adjacent to 6 and 7 Hilda Vale Close. The entrance to these properties is to the side of the building where two parking spaces are shown to be located. This would create vehicle movements in close proximity to these entrances. Furthermore, given the narrow nature of Hilda Vale Close with its high level of on-street parking, along with the limited space around 6 and 7, it is extremely likely that drivers would either be required to reverse into all four of the proposed parking spaces or alternatively reverse onto the highway. The limited available on-site manoeuvring space would result in safety hazards for the occupiers of these existing residential properties, as well as those pedestrians and highway users of Hilda Vale Close.
14. The appellants have submitted an alternative parking layout plan Ref A305 in support of the appeal which shows the proposed parking within the blue line area reduced from four to three spaces, one for each unit, in a more conventional layout. The Council's Highway Adviser indicates that the layout would overcome the highway ground of refusal and would be acceptable in highway terms irrespective of the proposed turntable shown on that plan. I have no substantive evidence before me that might lead me to come to a different view on this matter.

15. I acknowledge that both the originally proposed parking layout and the amended parking layout do not form part of the appeal site location plan red line application boundary area, as shown on Location Plan ref 100, Block Plan Proposed Plan Ref 102 and Site Layout Proposed Plan Ref A104. Nonetheless, they are contained within a blue line as illustrated on these plans which indicates that both the original proposed parking layout and the amended parking layout would relate to land owned by the appellant. The Council appear to be unsure as to whether the land in blue can be considered as part of the proposed development or whether the site would only involve that within the application red line.
16. Planning permission runs with the land. Conditions may be imposed under s70(1)(a) of the Town and Country Planning Act 1990 in respect of land within the application site at the date of the decision, or under s72(1)(a) of the 1990 Act to regulate the use or development of land under the control of the applicant, whether within the site or not. Conditions requiring action on land outside the planning permission site will be valid if it can be shown that the applicant had control of such land at the date of the decision. On the available evidence it appears that the applicants own the land within the blue line, and I have no substantive reason that would lead me to conclude otherwise. I, therefore, consider that the proposed amended layout could be satisfactorily controlled by the imposition of a suitably worded planning condition.
17. For these reasons, I conclude that the proposed development could achieve a satisfactory parking layout associated with the development. The proposal would, therefore, not materially conflict with Policies 30 and 32 of the Bromley Local Plan that, amongst other matters, set out the parking requirements for the Borough and seek development not to have a significant adverse effect upon road safety.

Other matters

18. Part of the information that supported the planning application included a Lawful Development Certificate application form and details that showed a new laid out hardsurfaced parking facility across the front garden land of 7 Hilda Vale Close. The Council advises that the certificate application was not separately submitted to be registered with the Council with a fee paid. Therefore, it does not appear to me that the Lawful Development Certificate application was or is a valid application. That potential application holds no weight in favour of this proposal given that it has not been formally submitted to the Council for determination.

Conclusion

19. Whilst I have found in favour of the appellants in terms of the effect upon the living conditions of occupiers and parking layout, this does not overcome the identified harm to the character and appearance of the area. There are no planning conditions that would ameliorate the objections sufficiently to allow permission to be granted.
20. It is appreciated that pre-application advice was sought in this case, nonetheless, having regard to the above findings, the appeal should be dismissed.

Nicola Davies INSPECTOR