



Appeal Decision

Site visit made on 18 March 2021

by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2021

Appeal Ref: APP/G5180/W/20/3264018

Land to the rear of 51 Ancaster Road, Beckenham

- 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 Ashview Homes Ltd (Mr Ryan Rana) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/02327/FULL1, dated 24 June 2020, was refused by notice dated 23 October 2020.
 - The development proposed is the construction of a bungalow, together with associated car parking, cycle and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey two bedroom dwelling with associated car parking, cycle and refuse storage at Land to the rear of 51 Ancaster Road, Beckenham in accordance with the terms of the application, Ref DC/20/02327/FULL1, dated 24 June 2020, subject to the conditions contained in the schedule at the end of this decision.

Procedural Matters

2. The London Plan 2021 (LP) was formally published by the Mayor of London on 2 March 2021, when it became part of the statutory development plan for London. It supersedes previous versions which are therefore no longer part of the statutory development plan. Publication of the LP was after the decision by the Council which included reference to the previous London Plan policies in its reasons for refusal. These policies are no longer part of the statutory development plan. Both the Council and Appellant make reference to the then emerging London Plan and various relevant policies. The time period for final comments in relation to this appeal expired on 17th March 2021 and therefore extended beyond the publication date of the LP (2nd March 2021). It was open to the parties to raise any comments on the published version of the LP if they considered that it affected their case. In the context of this appeal and the main issue I am satisfied that the relevant parts of those policies are not substantively changed and the context for the appeal has not significantly changed. The parties made representations which included reference to the then emerging policies, and which are now development plan policies and had an opportunity to make further comments. The parties are therefore not prejudiced by the publication of the LP nor my consideration of it in this appeal as part of the development plan.

3. I have adopted the description of development from the Council's decision notice in my formal decision as this more accurately describes the proposed development and reflects its small-scale and restricted nature to single storey. It is substantively similar to the original description on the application form and reflects the nature of the proposed development; it does not therefore prejudice any party.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site fronts onto Maberley Road and was formerly part of the garden of No 51 Ancaster Road, located at the Junction of Ancaster Road and Maberley Road. The area is contained within a block delineated by Elmers End Road, Dorset Road, Gwydor Road and Maberley Road. The area is characterised by tightly spaced semi detached properties fronting the streets with rear gardens providing mature landscaped spaces. The properties on the northern side of Maberley Road back onto an open public space.
6. Generally, the properties are closely spaced two storey semi-detached houses with some infilling and minor flat blocks. There is limited frontage development along the southern side of Maberley Road which, due to the limited development, affords views into the rear gardens and mature landscaped areas of the properties fronting the adjoining roads. Exceptions to this are at the rear of 56 Ancaster Road, for which I am informed planning permission has been granted for a bungalow, and the adjacent property 27 Maberley Road. At the time of my visit the redevelopment of 51 Ancaster Road, the site from which the appeal site has been created, was nearing completion for what I am informed was a redevelopment incorporating five flats.
7. The site currently is contained behind a high brick wall fronting Maberley Road and contains some dilapidated domestic structures including a green house. There are a number of trees on the site visible above the height of the wall. These are of reasonably poor quality and the Council do not challenge their categorisation as category 'c' trees. Indeed, the consultation response in respect of trees concludes that no objections is received to the development in respect of the trees. The open nature of the site in as such as there is no built development does afford views through to the rear mature landscaping at higher levels of the gardens beyond. The introduction of a bungalow, although low level would reduce to some extent this perception of green space. However, the proposed bungalow is relatively small in scale and size and only takes up a small section of the space in this part of the street. It would be of a similar width to that of the adjoining garage block located to the rear of 14 Dorset Road albeit it would be a little higher. Overall, the reduction in views to the areas to the rear is not such that it would significantly change the character of the area or the appearance of the street scene.
8. The narrow frontage presented by the bungalow would represent a small proportion of the frontage of this section of the street and would not be dissimilar to that which has been approved at land to the rear of 56 Ancaster Road. Overall I am satisfied that the introduction of a small dwelling of this nature would not materially harm the character of the area or the appearance

of the street scene. The use of appropriate materials, which are specified in the application would assist in successfully integrating the scheme and which can be secured through an appropriately worded condition.

9. For the reasons given above I therefore conclude that the development would not result in material harm to the character of the area and the appearance of the street and would thereby not conflict with policies 3, 4 and 37 of the London Borough of Bromley local Plan 2019 or Policies D1, D3 or D4 of the LP which collectively require good quality design that integrates with the local area into which it is to be delivered.

Other matters

10. Concerns have been expressed regarding the reduction in on road parking and the potential effect on highway safety. However, the proposed development would only result in a limited effect on on-street parking and makes provision for on-site parking. The Highway Authority has not raised any objections on highway safety grounds and I have no evidence before me to demonstrate that a material effect on highway safety would result.
11. The issues of activity disturbance and onsite matters related to health and safety issues are matters controlled by other legislation.
12. I am satisfied that the proposed development would not result in material harm to the character and appearance of the locality for the reasons set out above. This includes my consideration of the effect on vegetative cover and the relative poor quality of the existing on site vegetation.
13. The Council have suggested a condition to address on site drainage and ground levels to ensure that there is no effect on flooding in the area. I am satisfied that these measures would address any matters that would arise from the development and the submission of a suitable scheme can be considered at the appropriate time.
14. Concerns have been expressed regarding the potential for additional levels being added to the bungalow post development under permitted development rights. The Appellant has suggested a restriction on permitted development and I address this matter further below.
15. The Council in the Officer report acknowledge that there is a significant undersupply of housing land, in the region of 3.31 years supply. The proposal includes the provision of an additional single dwelling, which would represent a minor contribution to the supply of housing within the Borough, which represents a positive benefit of the scheme to be weighed in the balance.

Overall conclusions and conditions

16. The Council have identified those conditions that it would suggest should be imposed on any permission. The Appellant has commented on these and suggested further conditions. I have considered these in the light of the advice in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. An approved plans condition is required to ensure clarity. A condition related to materials is necessary in the interest of the appearance of the development however the Council suggests a condition which refers to an existing building but given the nature of this proposal that is not appropriate. The Appellant has provided a materials schedule as part of the application

drawings and I am satisfied these are appropriate. A condition to prevent changes to floor and ground levels is required to ensure the development does not increase flood risk. The appellant has suggested this should refer to finished floor levels. However, the plans identify both finished floor levels and ground levels outside the building and increases in ground levels could affect localised flooding therefore a condition addressing both is appropriate.

17. In the interest of the appearance of the development and its contribution to the street scene a landscaping condition is required. The Appellant has noted that there is not a landscaping scheme and suggested a pre-commencement condition requiring the submission of such a scheme. As the Appellant has suggested the wording this is their agreement in writing and I am satisfied it is necessary. A drainage condition is necessary to ensure the development is suitably drained and is necessary as a pre commencement condition given the nature of the required details and to ensure such details are agreed prior to the implementation of the development and that these are early works that would require to be undertaken. The appellant has provided its written agreement to the condition.
18. The appellant has suggested a condition restricting permitted development rights. It is advised that such restrictive conditions should only be used in exceptional circumstances. But given the restricted nature of the site and the comparatively small scale of the proposed development I am satisfied such a condition is appropriate in these circumstances. A further condition is also suggested by the Appellant related to tree and hedge protection and this is necessary in the interests of the appearance of the development and the area.
19. Whilst the presumption in favour of sustainable development is engaged, due to the housing supply position, I have concluded that the proposal does not conflict with the relevant development plan policies and is generally in accordance with the development plan. It would result in a minor positive benefit through a contribution to housing whilst not resulting in material harm to the character of the area with an attractive appearance and layout, including appropriate landscaping, given the context within which it is located. The development of this windfall site would be consistent with the Framework in assisting delivery of a sufficient supply of homes and making effective use of land in accordance with paragraphs 68 and 122 of the Framework. No material considerations indicate a decision otherwise would be appropriate and therefore development should be approved.
20. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

Schedule of conditions for Appeal APP/G5180/W/20/3264018

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: H1560 03d Proposed Site Plan, H1560 04d Proposed Ground Floor Plan, H1560 07e Proposed Elevations, H1560 08e Proposed Bike Store and H1560 doc 02a Materials Schedule.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the materials schedule H-1560 doc 02a, excluding the reference to dormer cheeks in respect of tiles as there are no dormers on the development hereby approved.
- 4) The finished floor levels of the building and ground levels of the curtilage of the dwelling (as stated within drawing 'Proposed Ground Floor Plan' H1560 04d) hereby permitted shall not be raised at any time without the prior approval in writing by the Local Planning Authority and shall be permanently retained at the levels identified on the plans unless otherwise approved by way of an application on that behalf.
- 5)
 - (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted to and approved in writing by the local planning authority.
 - (b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy SI 13 Sustainable Drainage and the advice contained within the National SuDS Standards.
 - (c) Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water
 - (d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved.
- 6) Prior to commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.
- 7) Tree/hedge protection fencing (as shown on the approved Tree Protection Plan, dated 06 July 2020, and set out in the Arboricultural Report, Ref:

SA/1714/20-A and dated 07 July 2020) shall be installed and retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.

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