



Appeal Decision

Site visit made on 12 May 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/G5180/W/20/3262987

68 Southborough Road, Bromley BR1 2EN

- 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 P Hasling (Range Property Consultants) against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/01331/FULL1, dated 7 April 2020, was refused by notice dated 16 September 2020.
 - The development proposed is the erection of new detached dwelling house
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area, with reference to spatial standards and pattern of local development.

Procedural Matters

3. Since Bromley Council's (the Council) refusal of the application Ref DC/20/01331/FULL1, the Mayor of London has adopted a new London Plan. In line with Planning Practice Guidance, my consideration of the issues of this appeal has, therefore, been on the basis of the National Planning Policy Framework (the Framework), the policies of the Bromley Local Plan (2019) (the Local Plan) and the London Plan (2021) (the London Plan). The appellant and the Council have confirmed that this is not prejudicial to their cases.
4. Although the land that forms the appeal site is adjacent to 5 Blenheim Road, as detailed as the address in the planning application, the address used in documents submitted for this appeal vary. For clarity I have, therefore, used the address used in both the Council's decision notice and the appellant's appeal statement.

Reasons

5. The land that forms the appeal site is adjacent to 5 Blenheim Road (No.5), from which it is separated by part of the 'L' shaped garden of 70 Southborough Road (No.70) that wraps around 2 sides of the appeal site, and on which there is a detached garage accessed from Blenheim Road.

6. The appeal site appears to have been part of the rear garden to 68 Southborough Road (No.68), that forms a semi-detached pair with No.70. The main part of the appeal site is now divided from the retained garden to No.68 by a tall fence and is hardstanding that appears to be used for the storage of building materials and the parking of vehicles. The remainder of the appeal site is part of the retained garden at No. 68.
7. The semi-detached pair of No's.68 and 70, are typical of the scale and form of the semi-detached and detached interwar houses that make up the majority of the development in the local area and that define its spatial characteristic and appearance. There are also a few more recent housing developments in the local area, which reflect the prevailing building line and spatial characteristics of the local area, most notably at 4 and 4a Blenheim Road.
8. The proposal is for a single storey dwelling with living accommodation in the roof space. Its main front elevation would address Blenheim Road, aligning with the front of No.5 and the established building line on Blenheim Road, but with a set-back in its footprint at the western end towards No.5, to provide room for a single off street parking space. However, the main western flank wall of the proposed dwelling house would be approximately 0.2 Metres, and its rear wall approximately 0.9 Metres from the boundary of the appeal site with the 'L' shaped garden of No.70.
9. Due to the proximity of the proposed dwelling house to the western and rear boundary of the appeal site, it would not conform to the spatial characteristics of the area, where the existing semi-detached and detached dwellings appear to have more significant separating gaps between them and their boundaries with neighbouring gardens. This would not reflect the local pattern of development that I have identified above and would result in it appearing as a cramped form of development that would result in a lowering of the existing spatial standards of the area.
10. I appreciate that the appellant has sought to respond to a previous dismissed appeal for a new dwelling on the appeal site¹, however, I have considered the development as proposed on its own merits, which is a fundamental principle that underpins the planning system.
11. As part of their appeal statement the appellant has drawn my attention to and provided me with photographs of dwellings in the wider area of the appeal site with reference to the separating distances to their boundaries. However, I have not been provided with any further background material relating to these examples. Further, I find that these examples are of dwellings in very different forms and size of plots to that of the appeal site and proposed dwelling. I have therefore, given these little weight in my considerations.
12. For the reasons given above, the proposal would cause unacceptable harm to character and appearance of the local area. As such it would be contrary to Policies 3,4 and 37 of the Local Plan and Policy D3 of the London Plan which seeks to ensure that development is of a high standard of design, responds positively to local distinctiveness with due regard to existing building types, form and proportions, that garden land development does not have unacceptable impact upon the character and appearance and context of an

¹ Appeal Ref: APP/G5180/A/14/2219311

area, and that it enhances local places, respecting local character and spatial standards.

Other Matters

13. The appellant has drawn my attention to the officer report that makes mention of Policy 8 of the London Plan, which relates to the requirement for a normally required separating distance between side boundaries and two storey housing development. I note, however, that this was not used as a policy in the reasons for refusal of the proposed single storey dwelling given in the Council's subsequent decision notice.

Planning Balance and Conclusion

14. Paragraph 11d, footnote 7 of the Framework states that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the LPA cannot demonstrate a 5 year supply of deliverable housing sites), 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 taken as a whole.
15. When this is the case, and as this appeal relates to the provision of housing, the need for the proposal to be considered against paragraph 11d is triggered. However, although the proposal must be determined within the context of paragraph 11d, I consider the Local Plan and London Plan policies to be a material consideration within this decision, which carry full weight in so far as they conform to the Framework, along with the relevant policies of the London Plan. The Policies 3,4 and 37 of the Local Plan and Policy D3 of the London Plan, which are the most relevant to this appeal, are consistent with Section 12 of the Framework and specifically Paragraph 127, which seeks to achieve well-designed places.
16. According to the Government's Housing Delivery Test: 2020 the Council has a significant projected housing shortfall on that required. The Council's projected housing shortfall is also below that identified in the London Plan (2021).
17. As I have identified above, the appellant has not submitted material that would justify the significant harm to the character and appearance of the local area, contrary to Local Plan Policies 3, 4 and 37 as well as London Plan Policy D3. In light of the Council's housing land supply position, paragraph 213 of the Framework makes it clear that weight should be given to existing development policies according to their degree of consistency with the Framework. Section 12, Paragraph 127 of the Framework recognises that development should be sympathetic to local character, accommodate and sustain an appropriate amount of development on its site and add to the overall quality of the area.
18. Even taking account of the objective of significantly boosting the supply of homes and the Council's supply position, the conflict between the proposal and the relevant parts of Policies 3,4 and 37 of the Local Plan and Policy D3 of the London Plan should be given significant weight in this appeal.
19. Set against the harm identified there would be social and economic benefits associated with the development. The appeal site is small in terms of its ability to provide housing, and the proposal would provide a single 1 bedroom dwelling. Although a small contribution to the overall housing target for the

London Borough of Bromley, small housing schemes do collectively make a major contribution to the number of new residential units, as further recognised in Policies H2 and H3 of the London Plan, which seek to increase the supply of housing on small sites and I have given this significant weight in my considerations. The proposal would also generate employment opportunities during its construction and through the employment of local services for its upkeep and maintenance when occupied. In connection with the single additional dwelling proposed, these benefits attract modest weight in favour of the proposed development.

20. Consequently, I conclude that the harm to the character and appearance of the local area that I have identified, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
21. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR