



Appeal Decision

Site visit made on 29 March 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/20/3253687

Land Adjacent to 15 Sandy Bury, Orpington BR6 9SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ryan Rana (Ashview Homes) against the London Borough of Bromley Council.
 - The application Ref DC/20/00402/FULL1, is dated 7 February 2020.
 - The development proposed is the erection of a 2 bedroom detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 2 bedroom detached dwelling at Land Adjacent to 15 Sandy Bury, Orpington BR6 9SD in accordance with the terms of the application, Ref DC/20/00402/FULL1, dated 7 February 2020, and the plans submitted with it, subject to the attached Conditions Schedule.

Procedural Matters

2. Since Bromley Council's (the Council) refusal of the application Ref DC/20/00402/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.

Main Issue

3. Based on the submitted policies, my site visit and the representations from the appellant, Council, consultees and local residents I find that main issue to be the effect of the proposal on the character and appearance of the local area.

Reasons

4. The appeal site is a plot of land adjacent to No.15 Sandy Bury (No.15), one of a pair of semi-detached houses that are orientated at 90 degrees to the road. The site is located to the side of No.15, where the land slopes steeply down towards the rear gardens of houses that front Tubbenden Lane. The character of the wider area is defined by 2 storey semi-detached and detached houses in a variety of designs and materials, but generally with hipped roofs and of a similar scale to that of the No.15 and its semi-detached pair.

5. The proposed development is a 2 bedroom two storey house with a crown pitched roof that would be set into an excavated area that would provide enclosed courtyard spaces to its front and rear. Similar to No.15 and its detached pair the proposed house would be orientated at 90 degrees to the road. The proposed house would sit towards the centre of the plot and, following the shape of the plot, it would narrow towards its rear part. The rear of the house would extend further rearward than the rear No.15. Its front elevation would align with the front elevation of No.15, facing onto the shared access and turning area. The proposed dwelling would have with 2 car parking spaces to its front. Due to the excavated area within which the proposed house would sit, it would appear as a single storey in views from Sandy Bury and the wider area.
6. As the footprint of the proposed house follows the narrowing shape of the plot, the gap between its flank walls and the boundary with No.15 and the rear gardens of houses on Tubbenden Lane are of consistent width and provide a suitable separating distance. These separating distances, in combination with the scale of the proposal and its siting within an excavated area, would allow the proposed house to sit comfortably within the plot and would not result in it appearing as a cramped form of development. It would therefore accord with the established density and spatial characteristics of the local area.
7. Whilst the proposal does not seek to directly reflect the design of the semi-detached and detached houses in the area, its proposed excavated location, proposed materials, crown pitched roof and relatively simple form would result in it appearing recessive and unassertive. The proposal would, therefore, blend into the local townscape, which is defined by 2 storey semi-detached and detached houses and associated simple outbuildings. It would not therefore be out of keeping with the general pattern of development of the local area or result in an awkward relationship with neighbouring properties.
8. The appeal site is in an elevated position with regard to the houses fronting Tubbenden Lane and their rear gardens. Due to the excavation within which it would sit, the proposal would not be unduly prominent in views from the public realm of Tubbenden Lane, from the houses fronting this road, or their rear gardens that border the site. Similarly, any views of the proposed house from Winterbourne road, which slopes down towards the appeal site, would be minimal and within which it would not appear as a prominent or intrusive element.
9. The Council and the appellant have brought to my attention that the appeal site has been the subject of other recent appeals related to development proposals for a single detached dwelling of varying scales, forms and designs. These would have been considered by the relevant inspector on their own merits and I have likewise done the same.
10. For the above reasons I find that the proposed scale and appearance of the development would be in keeping with the overall character and grain of the area and would not result in the appearance of a cramped form of development harmful to the character and appearance of the local area. The proposal is, therefore, in accordance with Policies 3, 4 and 37 of the Local Plan, Policies H2 of the London Plan and section 12 of the Framework, which collectively seek to make ensure that small sites, including garden land, are considered for additional housing, provided there is no unacceptable impact on character,

appearance and context of the area, no unacceptable loss of landscaping with appropriate separating distances, no unacceptable impact on residential amenity and that housing developments achieve a high standard of design and layout.

Other Matters

11. Concerns have also been raised by other interested parties with regard to the appeal site and the existence of a footpath, however, no further material has been provided in this regard and I have determined the appeal accordingly.
12. Concerns have been raised by other interested parties regarding the impact of the development on living conditions of the occupiers of nearby properties due to loss of outlook, overshadowing and overlooking. As part of my site visit, I was able to carefully consider the relationship of the proposed development with neighbouring buildings. Taking into account the height of the proposed house on the appeal site and the positioning of the windows concerned, I do not consider that the proposal would have a detrimental impact on the living conditions of the occupiers of neighbouring properties in terms of outlook, light and privacy.
13. Other interested parties have also raised concerns with regard to car parking for occupiers and visitors and increase in traffic and congestion. There are 2 off street parking spaces proposed on the appeal site, along with 2 cycle parking spaces and I was able to see on my site visit that there was some on-street car parking availability on the surrounding streets. I do not therefore find that the increase in visitor car parking associated with the proposed development would have a significantly detrimental impact on on-street carparking provision within the local area and would have a negligible effect on the traffic and congestions levels locally.
14. Neighbours have raised issues related to the impact on drainage and foundations necessitated by the proposed development and the effect on neighbours and their property. I do not consider these to be material to the considerations in this instance, as these would be dealt with separately under other legislation.

Conditions

15. I have had regard to the conditions suggested by the Council in the event of the appeal being allowed. I do not find that there are exceptional reasons that would require the removal of permitted development rights for the proposed development to the extent proposed and, in the interests of privacy have limited this to the insertion of openings in the south east elevation.
16. To ensure that the proposed development is satisfactorily drained I have imposed pre-commencement conditions relating to the surface water drainage. To protect local ecology, I have imposed a condition relating to bird boxes. To avoid undue mess on the highway and congestion of the site and consequent obstruction to access, I have also added a precommencement condition requiring details and plans for the site set up and management during construction and a further condition that no loose materials shall be used for surfacing of the parking and turning area.
17. To ensure that alternative travel options to the use of the car are available and in the interests of local amenity and road safety, I have imposed a condition

that the 2 car and 2 cycle parking spaces are provided prior to occupation and are maintained at all times.

Conclusion

18. For the reasons given above, the appeal is allowed.

Victor Callister

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. Surface water drainage:
 - (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 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 and the advice contained within the National SuDS Standards.
 - (c) The drainage scheme approved under Parts a, b shall be implemented in full prior to first occupation of the development hereby approved.
3. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor's buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.
4. The building hereby permitted shall not be occupied until the approved parking spaces and secure cycle parking facilities for the occupants of, and visitors to, the development shall be fully implemented and made available for use and shall thereafter be retained for use at all times.
5. No loose materials shall be used for surfacing of the parking and turning area hereby permitted.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), No

windows or doors (other than as hereby approved) shall at any time be inserted in the SE elevation of the dwelling.

7. Prior to occupation details of two (2) integral swift nest bricks shall be submitted to and approved in writing by the Local Planning Authority and these shall be installed in accordance with the approved details and retained permanently thereafter.

END OF SCHEDULE