



Appeal Decision

Site visit made on 26 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/G5180/W/20/3264133
110 Avondale Road, Bromley BR1 4EZ

- 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 Krishnamoorthy Arulruban against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/03409/FULL1, dated 28 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is to demolish existing bungalow in disuse and erect three bedroom detached house.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing bungalow in disuse and erect three bedroom detached house at 110 Avondale Road, Bromley BR1 4EZ in accordance with the terms of the application, Ref DC/20/03409/FULL1, dated 28 August 2020, subject to the conditions in the attached schedule:

Main Issues

2. The main issues in this appeal are the effects of the proposed development on:
 - The character and appearance of the local area; and
 - the living conditions of the occupiers of 112 Avondale Road (No 112) and 53 Alexandra Crescent (No 53), with reference to outlook and privacy.

Procedural Matters

3. Since Bromley Council's (the Council) refusal of the application Ref DC/20/03409/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.

Reasons

Character and Appearance

4. The proposed development involves the demolition of the existing detached bungalow on the appeal site, which is located in a residential area that is

mainly defined by detached and semi-detached houses, with some bungalows similar to that on the appeal site. Although of a good size, the extent of the plot of the appeal site does appear to be smaller than those generous plots evident and more usual to the local area.

5. The proposal would replace the existing bungalow with a 3 bedroom house with integral garage, located in generally the same position on the plot and with a very similar footprint. This position is towards the rear of the plot, although the rear wall of the proposed house would be set slightly further into the plot from the rear boundary than the existing bungalow.
6. From the front the proposed house would appear as having 2 stories with a hipped roof, except for a single storey element projecting forward from the main facade. Notwithstanding, the small single storey element, the proposal would be generally in a format and design similar to nearby detached and semidetached houses and, therefore, familiar in the area. However, from the rear the proposed house would appear to be nearly 3 stories, due to the fall in land from the front to the rear of the appeal site and a proposed lower ground floor that would be partly below ground level.
7. Although the proposed house would be taller than the existing bungalow, and notwithstanding the single storey front element, it would maintain the existing separating distances with neighbouring properties, which do appear to be slightly more generous than those evident between the detached and semi-detached houses in the street. By matching the height of these surrounding houses, and by having the forward projecting single storey element, the proposal does respond well to the stagger in building line found on this curved part of the street. It also reflects the scale of the majority of other residential development in the local area, notwithstanding the heavy and prominent box dormer extensions on the side and rear roof slopes of nearby houses.
8. Although the plot of the appeal site is smaller than others generally found in the area, it is still quite generous and does match that of other properties located near to road junctions, where houses have been developed on smaller sites constrained by the larger gardens of properties found in the longer middle parts of the street. Given the position of the proposal on the plot, this results in a shallower rear garden, compared to the front garden. However, overall, the appeal site does reflect the size of plots of the adjacent semi-detached pair at No's 112 and 114 Avondale Road and the balance of garden to built form of similar proportion. Accordingly, I find that although shallow, the size of the rear garden would not be out of keeping with the scale of the proposed house.
9. For these reasons I do not find that the proposal would appear as a cramped form of development, but rather that it would reflect the spatial characteristics, scale, form and design of the detached and semi-detached houses that define the character and appearance of the area and would sit comfortably in the street scape.
10. As the proposed house would not result in harm to the character and appearance of the local area, it would be in accordance with Policies 4 and 37 of the Local Plan and Policy D3 of the London Plan, as well as section 12 of the Framework, which collectively seek to ensure that new development, including housing, achieves a high standard of design and layout whilst enhancing the quality of local places.

Living Conditions

11. Although the proposal would result in a taller house than the existing bungalow, the additional height and bulk of the proposal is well massed, through the use of the single storey front projection and the hipped roof forms. Given the separating distances, including that to the nearest neighbouring property at No 112, I do not find that the additional bulk of the proposed house would result in an unduly prominent and visually intrusive element that would be detrimental to the outlook of neighbouring residential occupiers. Further, I find that the proposal would result in a more coherent streetscene and townscape in this part of Avondale Road, as compared to the anomaly of the existing bungalow sitting within the context of the existing houses.
12. The proposed house would introduce more windows at first floor level, when compared to the single rear dormer window in the 'chalet' roof form of the existing bungalow. This would represent a greater degree of overlooking from first floor level, rather than introducing it. This overlooking would be somewhat mutual at first and dormer floor levels but an increase in the degree of overlooking of the rear ground floor windows and rear garden of No 53.
13. However, given the separating distances, the oblique angle of view and the extent of existing overlooking, I find that the additional degree of overlooking would be similar to that from houses in this local area, and would be no greater than that to be expected in a developed residential area of this type and would not result in a significant loss of privacy to the occupiers of No 53 and conversely to that of the future occupiers of the proposed house.
14. Other interested parties have raised concerns with regard to the proposals effect on light to neighbouring properties. However, given the scale of the proposed development and the separating distances involved, I do not find that there would be any significant loss of light to neighbouring dwellings that would result in harm to the living conditions of their occupiers. I have, therefore, given this little weight in my considerations.
15. For these reasons, I find that the proposal would not result in any significant harm to the living conditions of neighbouring residential occupiers to the extent that would be in conflict with Policies 4 and 37 of the Local Plan, Policy D3 of the London Plan and section 12 of the framework, specifically paragraph 127, which seek to ensure that development delivers appropriate outlook, privacy and amenity, including that of occupiers of neighbouring buildings.

Other Matters

16. Concerns have been raised by other interested parties with regard to excavations and drainage works necessitated by the proposal and the effect on foundations and drainage to neighbouring properties. I do not consider these to be material to the considerations in this instance, as these would be dealt with separately under other legislation.
17. Concerns have also been raised on the degree of engagement with the local community, with reference to paragraph 124 of the Framework, which seeks effective engagement between applicants, communities, local planning authorities to achieve sustainable development. In this case it would appear that all of the statutory consultations have been carried out and I have had due

regard to the resulting representation in my considerations, which also includes the provisions of the Framework as a whole.

18. Interested parties have drawn my attention to a recently extended house at 100 Avondale Road. As this is an extension of an existing house, creating a gable end, it is in a different design and form to the proposed detached house with hipped roof, and I find little similarity between the two or their contexts. This extension would have been considered on its own merits and I have done likewise with the appeal proposal and have, therefore, only given this little weight in my considerations.
19. Other interested parties have raised concerns with regard to the quality of the appellant's application plans, with specific reference to accuracy in relation to the windows depicted on neighbouring properties. The exact windows that are of concern have not been brought to my attention and, as I have conducted a site visit, the proposed development has been considered in relation to the actual conditions as I found them, including windows. I have therefore only afforded this little weight in my considerations.
20. Both the appellant and the Council have raised the issue of Housing Land Supply within the Council area and the requirements of Paragraph 11 of the Framework and footnote 7 regarding decision making. However, as I find that the proposed development complies with the Development Plan, there is no need for me to go there.

Conditions

21. 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, and I have not included these suggested conditions. I have also omitted suggested conditions relating to slab levels, and materials to be used externally, as these duplicate the condition that I have imposed for certainty that relates to compliance with approved plans. To avoid duplication, and to ensure that the extent of the conditions is commensurate with the scale of the proposed development, I have also amalgamated and limited the reach of some suggested conditions.
22. To safeguard the character and appearance of the area, local ecology and safety of those using the adjacent highway, I have imposed a condition relating landscaping. To protect the living conditions of neighbouring and future occupiers I have imposed a condition requiring obscure glazing of certain windows.
23. In the interest of road safety, I have added conditions relating to parking provision. To promote sustainable travel a cycle parking condition is also necessary.
24. In the interest of safety and security, I have imposed a condition requiring the submission of details of external lighting. I have also attached a condition to ensure adequate and appropriate refuse and recycling facilities.
25. To ensure that the proposed development is satisfactorily drained I have imposed pre-commencement conditions relating to the surface water drainage. To avoid undue congestion of the site and local disturbance during construction I have imposed conditions requiring a Construction Management Plan.

26. In order to safeguard the environment and to minimise the impact on the Air Quality Management Area I have imposed a condition relating to gas boiler performance and a condition requiring the provision of electric vehicle charging points.

Conclusion

27. For the above reasons and with regard to all other issues raised, 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 20.02.252, 20.02.251, 20.02.250, 20.02.253, 20.02.202, 20.02.201, 20.02.200 and 20.02.203 all dated February 2020.
- 3) The ground and first floor windows in the east and west side elevations and the lower ground floor window in the east elevation shall at all times/be glazed with obscured glass and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.
- 4) Prior to commencement of above ground works details of treatment of all parts on the site not covered by the buildings shall be submitted to and approved in writing by the Local Planning Authority.
 - (i) The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home-grown stock (where possible) and no invasive species;
 2. Proposed hardstanding and boundary treatment;
 3. A schedule detailing sizes and numbers of all proposed trees/plants;
 4. Sufficient specification to ensure successful establishment and survival of new planting.
 - (ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.
 - (iii) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

- (iv) No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.
- 5) Prior to commencement of above ground works details of sufficient turning space within the site to enable vehicles to enter and leave the site in a forward direction and details of parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The turning area and parking spaces shall be provided before any part of the development is first occupied and shall be permanently retained thereafter for use at all times. No loose materials shall be used for surfacing of the parking and turning areas.
- 6) Prior to construction of any above ground works details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The arrangements as approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter for use at all times.
- 7) (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) and (b) shall be implemented in full prior to first occupation of the development hereby approved.
- 8) No development shall be commenced until such time as a Construction Management Plan, in accordance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2017, has been submitted to and approved in writing by the Local Planning Authority. This shall include hours of operation, dust mitigation and management measures, measures to control demolition and construction noise including, where applicable, noise trigger levels & monitoring, 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, the location and operation of plant and wheel washing facilities. Such provisions once approved and implemented shall be retained throughout the period of construction.

- 9) Prior to the construction of any above ground works, details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements as approved shall be provided before any part of the development is first occupied and shall be permanently retained thereafter for use at all times.
- 10) Prior to the commencement of above ground works, details of a scheme to light the permitted access drive, turning area and car parking areas, self-certified to accord with BS 5489 - 1:2003, shall be submitted to and approved in writing by the Local Planning Authority. The lighting as approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter for use at all times.
- 11) Prior to first occupation of the dwellings hereby permitted 3 parking spaces will be provided with electric vehicle charging points. A minimum of 1 of which to be provided with an active electric vehicle charging point, with the remaining to be provided with passive electric vehicle charging points. Details of the location of the proposed charging units shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the EVCP units. The charging points as approved shall be provided and be fully functional prior to first occupation of the development and shall be permanently retained thereafter for use at all times.
- 12) The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality any gas boiler must meet a dry NO_x emission rate of <40mg/kWh.

End of Schedule