

Appeal Decision

Site Visit made on 27 April 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2021

Appeal Ref: APP/G5180/W/20/3256521

15 Woodland Way, West Wickham, BR4 9LL

- 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 Stephen Cornwall against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01482/FULL1, dated 24 April 2020, was refused by notice dated 23 June 2020.
 - The development proposed is erection of detached chalet style dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached two storey three bedroom house with associated parking and bin storage at 15 Woodland Way, West Wickham, BR4 9LL in accordance with the terms of planning application Ref DC/20/01482/FULL1, dated 24 April 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of the development in the banner heading above is taken from the application form. However, I have used the description of the development on the decision notice and appeal form in my formal decision as being more comprehensive.
3. I observed during my site visit that a concrete slab and 2 courses of brickwork have been laid on the appeal site. From the evidence before me this was for a detached double garage and garden room, for which a Certificate of Lawfulness for a Proposed Use of Development was granted in 2016¹. However, although the proposal before me would utilise the slab and therefore be of the same footprint, it is a significantly different proposal in height and nature and I have therefore given little weight to the Certificate in my decision.
4. During the course of the appeal, the London Plan² was published on 2 March 2021. The main parties were given the opportunity to comment on the implications of this publication for the appeal. The parties have confirmed that Policies 3.5 and 7.4 of the London Plan 2016, cited in the reason for refusal, have been superseded by Policies D1, D3, D4, D6 and H2 of the London Plan 2021. I have therefore had regard to these new policies in my decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

¹ 16/02784/PLUD

² The Spatial Development Strategy for Greater London March 2021

Reasons

6. Woodland Way is an established residential area characterised predominantly by large detached and semi-detached 2-storey dwellings, set back from the road with lawns and hardstandings to their frontages and narrow gaps between. These give the street a reasonably spacious width enclosed by the built development to either side. Plot sizes are reasonably generous with a generally regular pattern of development, particularly to the west side of Woodland Way, with a greater variation in plot depth on the east side.
7. No.15 Woodland Way is a 2-storey chalet bungalow with the first floor within the roof space. It is similar in form to four other chalet bungalows on Aberdare Close, which leads off Woodland Way to the south of No.15. The appeal site was formerly part of the side garden of No.15 on the corner of Woodland Way and Aberdare Close. At the time of my site visit, whilst sharing an access with No.15, the site has largely been separated from No.15 by a close boarded fence approximately 1.8 m high. The site makes only a limited contribution to the predominant character of the area as side gardens are not characteristic of Woodland Way.
8. The appeal site is shallower in depth than the majority of other plots on Woodland Way and is slightly narrower than the prevailing width of plots on the east side of Woodland Way. As a consequence, it is smaller than other plots in the locality. However, its depth is comparable to that of No.15 and its width is comparable to that of plots opposite, such that it is not wholly at odds with the prevailing pattern of development in the locality.
9. Whilst the proposed dwelling's proximity to its side boundaries would not reflect the more spacious open plan character of the properties on Aberdare Close, being tight to side boundaries is a characteristic of properties on Woodland Way, within the context of which the dwelling would principally be seen. The proposal would satisfy the 1 m minimum standard set out in Policy 8 of the Bromley Local Plan 2019 (the Local Plan), to which the appellant refers.
10. The proposal would also mirror the positioning of the house on the opposite corner of Woodland Way and Aberdare Close, No.17, in its proximity to its side boundary with the Close, notwithstanding the latter's longer rear garden. The dwelling would be set back the same distance from Woodland Way as No.15 and No.17, thus retaining the characteristic qualities of the spacious width and enclosed nature of the road. Consequently, the proposal would satisfy the guidance in the Council's Supplementary Planning Guidance SPG1 and SPG2 (2004) on local context.
11. The proposed dwelling would reflect the design of No.15 and the other bungalows in Aberdare Close. It would have a similar ridge and eaves height, depth and fenestration to No.15, thus complementing its scale, proportions, form and layout. The proposed dwelling would be lower in height and more proportionate in relation to its boundaries than No 17. Therefore, whilst the proposed dwelling would be clearly visible given its position on the corner of Woodland Way and Aberdare Close from the south-west, it would not be prominent or dominant in the street scene nor harmfully incongruous in the context of the differing forms of dwellings on the two roads.
12. I therefore conclude that the proposal would not be unacceptably harmful to the character or appearance of the area. Accordingly, in this respect, the

proposal would not conflict with Policies 3, 4 or 37 of the Local Plan which set out, amongst other things, that new developments should not have an unacceptable impact on the character, appearance or context of an area and should recognise and complement the qualities of surrounding areas and adjacent buildings.

13. The proposal would not conflict either with Policy D3 of the London Plan 2021 which sets out that development proposals should, amongst other things, enhance local context and respond to the existing character of a place, nor with Policy D4 of the Plan which promotes good design. The proposal would conform with Policy H2 of the London Plan 2021 which supports well-designed new homes on small sites. Policy D1 of the Plan requires Boroughs to undertake area character assessments as a basis for identifying suitable locations for growth and is thus not directly applicable to this appeal.

Other Matters

14. There were a significant number of objections to the proposal from local residents and the West Wickham Residents' Association. In addition to concerns over the effect of the proposal on the character and appearance of the area, which I have considered above, the principal concerns relate to the living conditions of future occupiers of the proposed dwelling, the living conditions of the occupiers of neighbouring dwellings, highway safety and disturbance during construction.
15. Overlooking of the proposed dwelling from Aberdare Road would be restricted by the existing boundary fence and would not be significantly worse than would reasonably be expected for corner plots in a residential environment. The rear garden for the proposed dwelling and the remaining garden for No.15 would both be adequate for sitting out, drying washing and play. I have no evidence that the proposal would otherwise be deficient in quality or standard such as to conflict in this respect with Policy 4 of the Local Plan or Policy D6 of the London Plan 2021.
16. The proposed dwelling would have a ground floor window and rooflights facing No.17. However, these properties would be separated by Aberdare Close and boundary fences. Given that and the angles of view from the rooflights, the proposal would not result in unacceptable additional overlooking of No.17 and consequent loss of privacy. The upper floor windows in the dormer facing No.15 would serve bathrooms and could therefore be obscure-glazed, whilst the intervening fence would obscure views from the ground floor windows.
17. Given the distances between the proposed dwelling and other properties on Aberdare Close and Woodland Way it would not result in unacceptable overlooking of these properties. With its height, orientation relative to and distance from nearby properties, the dwelling would not be unacceptably overbearing nor result in significant overshadowing for the occupiers of Nos.1 or 4 Aberdare Close, No.17 or the properties on the opposite side of Woodland Way. The private view from a window is not of itself a planning matter. Therefore, the proposal would not have an unacceptable effect on the living conditions of the occupiers of neighbouring dwellings.
18. The access would be close to the junction of Woodland Way and Aberdare Close. However, the Close serves only 4 dwellings and so traffic entering or exiting the Close is limited. The proposal includes two off-road parking spaces.

Accordingly, the proposal would not be significantly harmful to highway safety or the convenient use of the highway. I note that the Council has raised no concerns on this matter subject to conditions were permission to be granted.

19. The construction works will inevitably cause some disturbance. However, this would be temporary and could be minimised by adherence to a construction management plan, which could be required by a condition were planning permission to be granted. None of the other matters raised, including previous proposals, the laying of the concrete slab or the setting of a precedent, have been determinative in this appeal.

Planning Balance

20. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. A recent appeal decision³ drawn to my attention in another appeal I am determining within the Borough⁴ indicates that the supply is between 2.96 and 3.27 years based on the increased housing target for the Borough in the London Plan 2021. Even with the higher figure, the shortfall is very significant.
21. Given this shortfall, paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged and Policies 3, 4 and 37 of the Local Plan are deemed to be out of date. In these circumstances, permission should be granted unless, as the appeal site is not within an area nor an asset of particular importance, 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.
22. Paragraphs 122, 127 and 130 of the Framework require planning decisions to have regard to local character. For the reasons given above, I find no conflict with the policies set out in these paragraphs. Nor do I find any conflict with the National Design Guide in this respect.
23. On the other hand, the Framework sets out the Government's objective of significantly boosting the supply of homes. The site is within West Wickham and great weight should be given to the benefits of using suitable sites within settlements for homes. The Framework recognises that small sites can make an important contribution to meeting the housing requirement for an area. The proposal would result in social and economic benefits from the addition of a dwelling to the Borough's housing stock and from expenditure by future occupiers.
24. I therefore conclude that there are no adverse impacts of the proposal that would significantly and demonstrably outweigh the benefits of an additional dwelling, when assessed against the policies of the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development and permission should be granted.

Conditions

25. In addition to the standard time limit for commencement, the Council has suggested several conditions were planning permission to be granted. I have assessed these against the tests in paragraph 55 of the Framework. I have

³ APP/G5180/W/20/3257010

⁴ APP/G5180/W/20/3259986

amended them slightly for concision and precision and reordered them for logicity.

26. I have imposed a condition requiring the approval of the proposed materials in the interests of the character and appearance of the area. I have also attached conditions requiring the windows in the proposed dormer to be obscure-glazed and details of the provision for refuse and recycling storage to be submitted and approved as indicated in the Planning Officer's Report. These are to protect the living conditions of the occupiers of neighbouring properties and in the interests of the character and appearance of the area. The appellant has confirmed his agreement to these conditions⁵. However, I have not imposed a condition requiring the rooflights in the southern elevation of the proposed dwelling to be non-opening as also suggested in the Planning Officer's Report as, for the reasons I have given above, I do not consider this to be necessary.
27. A condition requiring compliance with the approved plans is necessary in the interests of certainty. A Construction and Environmental Management Plan (CEMP) is necessary to minimise the disturbance to the living conditions of the occupiers of nearby dwellings, although I have simplified this to reflect the small-scale nature of the scheme. A condition regarding surface water drainage is necessary to reduce the risk of flooding. The conditions regarding the CEMP, materials and drainage need to be pre-commencement to ensure that the development proceeds in a satisfactory way. The appellant has confirmed his agreement to these conditions⁶.
28. A landscaping scheme and details of boundary enclosures are necessary in the interests of the character and appearance of the area. The provision of parking spaces is necessary in the interests of highway safety and the convenience of other road users. Bicycle storage is necessary to encourage the use of a mode of transport other than the private car. Exceptionally, I consider the removal of permitted development rights for extensions or alterations to the dwelling or for the provision of buildings within its curtilage to be necessary in the interests of the character and appearance of the area and to protect the living conditions of the occupiers of neighbouring dwellings.

Conclusion

29. I have concluded above that the proposal would be compliant with the policies of the adopted development plan. There are no other considerations that indicate that a decision should be made other than in accordance with those policies.
30. For this reason, and having had regard to the other matters raised, the appeal is allowed and planning permission is granted.

Martin Small

INSPECTOR

⁵ Email dated 28 May 2021

⁶ Email dated 28 May 2021

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 unless previously agreed in writing by the local planning authority: Location Plan, 79926/1 Rev B Scheme Drawing and 79926/SK.2 Parking Plan.
3. The development hereby permitted shall not commence on site until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Plan should include hours of operation and parking for operatives during construction. The development shall be undertaken in full accordance with the approved details.
4. The development hereby permitted shall not commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be undertaken using the approved materials.
5. (a) The development hereby permitted (excluding any ground clearance or demolition) shall not commence until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority.

(b) Before this scheme is 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 the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall 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 permitted.
6. Before the dwelling hereby permitted is completed or first occupied, whichever is the sooner, details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in the first planting season following the completion or the first occupation of the dwelling, 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 similar size and species to those originally planted.

7. Before the dwelling hereby permitted is first occupied parking spaces and turning space shall be provided in accordance with the details as set out in this planning permission and thereafter shall be kept available at all times for such use.
8. Before the dwelling hereby permitted is first occupied details of arrangements for bicycle parking and storage shall be submitted to and approved in writing by the local planning authority and the approved details completed. The arrangements shall be permanently retained thereafter.
9. Before the dwelling hereby permitted is first occupied details of the arrangements for refuse and recycling storage shall be submitted to and approved in writing by the local planning authority and the approved details completed. The arrangements shall be permanently retained thereafter.
10. Before the development hereby permitted is first occupied the windows at first floor level in the north elevation shall be fitted with obscured glazing and no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be permanently retained thereafter.
11. Before the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the local planning authority shall be erected in such positions along the boundaries of the site as shall be approved and shall be permanently retained thereafter.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking and re-enacting this Order with or without modification) no building, structure, extension, enlargement or alteration permitted by Classes A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the local planning authority.

End of Schedule