



Appeal Decision

Site visit made on 13 July 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021.

Appeal Ref: APP/G5180/W/20/3263365

41 Mounthurst Road, Hayes, Bromley, BR2 7PG

- 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 Nevard against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/02478/FULL1, dated 9 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is described as 'proposed attached two bed dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed detached two bed dwelling at 41 Mounthurst Road, Hayes, Bromley, BR2 7PG in accordance with the terms of the application, Ref DC/20/02478/FULL1, dated 9 July 2020, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. Since the determination of this application the London Plan 2021 has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to in the decision notice and submissions are no longer in force. However, the London Plan (intend to publish) was clearly referenced in the Council's delegated report and the publication of the London Plan 2021 was acknowledged within the appellant's final comments. On this occasion, given the nature of the refusal reasons and the main issues identified below, the publication of the new London Plan does not directly change the assessment of this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area; and
 - The effect of the proposal on the living conditions of existing and future occupiers of 41 Mounthurst Road, with reference to outlook and light.

Reasons

Character and appearance

4. The appeal property is a two storey semi-detached dwelling with a single storey detached garage to the side. The dwelling is set at an angle to Mounthurst Road, with the property benefitting from relatively spacious side and front gardens. It is located within a predominantly residential area which comprises mainly of semi-detached and terraced housing.
5. The site has been the subject of several previous planning applications. Of these, I consider the most relevant to this appeal is an extant permission for a two storey side and rear extension and the conversion to form 2 x 2 bedroom self-contained maisonettes¹. I am also aware of a previous application for a two bedroom detached house on the site which was dismissed on appeal². However, as this proposal was for a detached dwelling with a different siting and layout, it is not directly comparable to the current appeal proposal.
6. The proposed extension is similar in its design and appearance to that approved under LPA ref. 19/02040/FULL1. However, whilst the front section of the proposed extension would be slightly narrower, it would be wider towards the rear, incorporating a two storey element with a 'catslide' roof design and a resultant lower eaves height. The proposed extension would have a lower ridge height than the existing dwelling and, in my opinion, would be subservient in scale and appearance. The proposed fenestration would be similar to that already approved under ref. 19/02040/FULL1 and whilst the window panels would be wider than those on the existing dwelling, they would be of a similar appearance. I therefore consider that in terms of its built form, the proposal would integrate satisfactorily with the existing dwelling and would not result in harm to its character and appearance.
7. Whilst the proposed extension would result in an imbalance with the other half of the semi-detached dwelling, this would also be the case with the consented extension approved under ref. 19/02040/FULL1. Given the set back of the wider part of the proposed extension from the front elevation, I do not consider that the appeal proposal would have a materially greater impact on the street scene in this respect and would not lead to significant harm to the character and appearance of the adjoining dwellings. Whilst the proposal would result in a short terrace comprising three dwellings, the surrounding area already comprises of a mix of semi-detached and terrace dwellings.
8. The existing dwelling is set back from Mounthurst Road and the proposal would not be visually prominent in the street scene. Furthermore, a generous separation distance to the side boundary of the site would be retained such that the side garden would continue to contribute to the spacious character and appearance of the area.
9. I therefore conclude on this issue that the proposal would not have a harmful effect on the character and appearance of the host dwelling and the surrounding area. It would therefore comply with Policies 4, 8 and 37 of the Bromley Local Plan (2019) as well as the design guidance contained within Supplementary Planning Guidance No 1 General Design Principles and Supplementary Planning Guidance No 2 Residential Design, which collectively

¹ LPA ref. 19/02040/FULL1

² Appeal ref. APP/G5180/W/19/3219989

require development to be of a high standard and layout and to respect local distinctiveness. The Council has clarified that Policy 6 was referred to in the decision notice in error and is not relevant to the proposal.

Living conditions

10. The proposed new dwelling would extend beyond the rear elevation of 41 Mounthurst Road by about 3 metres. The depth of the proposed building is however the same as that approved under LPA ref. 19/02040/FULL1. The two most affected windows on the rear elevation of No 41 would serve a dining area on the ground floor and a second bedroom at first floor level.
11. Due to the depth of the building there would be some effect on the living conditions of existing and future occupiers of No 41 in terms outlook and amount of light received by the closest windows on the rear elevation. However, I acknowledge that the approved scheme would have a similar effect on existing windows shown on the approved floor plans (under LPA Ref. 19/0240/FULL1) to serve bedrooms on both the ground and first floor. Although the appeal proposal would result in the extended building being split vertically rather than horizontally to form maisonettes, I do not consider that the appeal proposal would be significantly more harmful in this regard. I also note that other habitable room windows within the dwelling would offer a reasonable outlook over the front and rear gardens.
12. In conclusion on this issue, the proposal would not cause significant harm to the living conditions of existing and future occupiers of 41 Mounthurst Road with reference to outlook and light. The proposals therefore accord with Policy 37 of the Bromley Local Plan (2019) insofar as it seeks to ensure that development respects the amenity of occupiers of neighbouring buildings and those of future occupants.

Conditions

13. The Council has suggested conditions that the appellant has had the opportunity to comment upon. I have considered the Council's suggested conditions against advice in the Framework and Planning Practice Guidance.
14. I have imposed a condition in relation to the commencement of development and in the interest of certainty, a condition specifying the approved plans is required. To ensure that a satisfactory external appearance is achieved, a condition requiring external materials to match those of the existing property is imposed.
15. A pre-commencement condition requiring the submission of a Construction and Environmental Management Plan is necessary in the interests of highway safety and neighbouring living conditions. The appellant has confirmed agreement to this suggested condition within their final comments. I have imposed further conditions requiring the provision of parking and turning space, sightlines and surfacing materials in the interests of highway safety.
16. In order to ensure suitable drainage, I have imposed a condition requiring surface water drainage to be implemented in accordance with details to be approved by the Council.

17. I have omitted the condition relating to the storage of refuse and recycling materials as there is sufficient space within the garden of the house for this provision to be made without being controlled.
18. As set out in the Framework, conditions restricting the future use of permitted development rights should only be used where there is clear justification to do so. In the interests of protecting the living conditions of neighbouring occupiers, and to ensure the house remains of a size appropriate to its garden and plot, I am satisfied that it would be both reasonable and necessary to withdraw the future use of permitted development rights with respect to any additional enlargements, improvements or alterations, including to the roof and outbuildings covered by Schedule 2, Part 1, Classes A, B, C or E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

J Davis

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: Street Plan, U.501 Sheet 1 and U.501 Sheet 2.
3. The materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.
4. No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:
 - (a) Dust mitigation and management measures.
 - (b) The location and operation of plant and wheel washing facilities.
 - (c) Measure to reduce demolition and construction noise.
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - i) Rationalise travel and traffic routes to and from the site as well as within the site.
 - ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

- iii) Measures to deal with safe pedestrian movement.
 - iv) Full contact details of the site and project manager responsible for day-to-day management of the works.
 - v) Parking for operatives during the construction period.
 - vi) A swept path drawing for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
- (e) Hours of operation.
 - (f) Other site specific Highways and Environmental issues as requested on a case by case basis.
 - (g) The development shall be undertaken in full accordance with the details approved under Parts a-f.
5. Before any part of the development is first occupied the access shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays which shall be permanently retained thereafter.
 6. No loose materials shall be used for the surfacing of the parking and turning area hereby permitted.
 7. Prior to the occupation of the dwelling hereby permitted parking and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use.
 8. Prior to the commencement of above ground works, details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted and approved in writing by the Local Planning Authority. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved and shall be retained permanently thereafter.
 9. 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 building, 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 made in writing of the Local Planning Authority.