

Appeal Decision

Site visit made on 20 July 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/G5180/W/20/3257479

136 Main Road, Biggin Hill TN16 3BA

- 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 D Caulfield, Liberty Homes against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/01453/FULL1, dated 31 March 2020, was refused by notice dated 14 July 2020.
 - The development proposed is for the erection of a part two/three/four storey building comprising one (A1) retail unit on part of ground floor and 6 one bedroom, 2 two bedroom and 1 three bedroom apartments on ground, first, second and third floors with front and rear balconies, 10 car parking spaces, use of existing amended access, provision of cycle and refuse storage and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council explains that they cannot demonstrate a five year housing land supply, consequently pursuant to paragraph 11.d) ii. of the National Planning Policy Framework (the 'Framework'), the presumption in favour of sustainable development applies. For decision-taking this means granting planning permission 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. The 'tilted' balance is therefore engaged and I have determined the appeal on this basis.
3. Furthermore, on 20 July 2021 an update to the Framework was published. My decision reflects this, having provided the main parties an opportunity to comment over any implications this might have for their respective cases.

Main Issue

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

Reasons

5. The appeal site is located within a mixed commercial and residential centre with buildings generally rising up to three storeys on the northern side of Main Road with the exception of a newly completed building at no156.

6. Those buildings immediately adjacent to the site however comprise the two storey flat roofed Biggin Hill Sports and Social Club to the west; and a two storey hipped roof building accommodating an Estate Agency to the east which is domestic in scale.
7. The proposed building would have a fourth storey set back from the road and as a stand-alone piece of architecture I note that the Council do not raise objection to its detailed design. However, it cannot be viewed in isolation and at its current height it would loom over both neighbouring buildings. I accept that no156 is within the wider street scene, however that has been designed in a manner such that there is a clear hierarchy in built form where adjacent to 160 Main Road, and with the block of flats on the opposite side which is substantial in terms of both height and width. Therefore its immediate built context is not directly comparable to the appeal scheme.
8. I note that the Council has previously granted planning permission for the redevelopment of the appeal site and indeed the most recent approval (Ref. 18/01041/FULL1) would be far more human in scale and relate appropriately to both neighbouring buildings. In contrast, notwithstanding the set-back, the proposed building would be substantial in all dimensions, out of scale with its immediate surroundings, as demonstrated by the CGI image provided by the appellant within their statement.
9. I accept that the proposal could provide an enhanced internal layout through a change in the dwelling mix, however I have not been made aware that the extant scheme is substandard. Further, by increasing the size of units within the scheme it clearly has a knock-on effect for the overall scale of the building proposed and therefore, in many ways, it is a case of form following function.
10. In conclusion on this matter I find that the proposed building by reason of its overall scale would result in an over-dominant form of development that would detract from the appearance of the street scene. I therefore find the proposal contrary to Policies 4 and 37 of the London Borough of Bromley Local Plan 2019 which together require all new housing developments to achieve a high standard of design and layout and positively contribute to the existing street scene, whilst complementing the scale of adjacent buildings.

Planning Balance

11. As highlighted above, the tilted balance in favour of sustainable development applies in this case. I consider that the provision of much needed housing can be afforded significant weight in the planning balance, however, this is tempered against the fact that there exists an extant planning permission that would allow the same number of residential units to be constructed on the site, albeit of a higher number of smaller units.
12. Notwithstanding the presence of the flatted block at 156 Main Road, the appeal proposal cannot be viewed in isolation from its immediate surroundings and I find that overall the harm that would be caused to character and appearance of the area by the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

13. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR