



Appeal Decision

Site Visit made on 24 August 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/G5180/W/21/3268707

St. Michaels, Bickley Park Road, Bickley, Bromley BR1 2BE

- 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 Adem Adewoyin against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01398/FULL1, dated 30 March 2020, was refused by notice dated 24 December 2020.
 - The development proposed is "Demolition of existing dwelling and construction of a part one/two storey building with accommodation in roofspace to provide 8 residential flats (5 no. two bedroom, 2 no. one bedroom and 1 no. three bedroom). Retained vehicular access with front boundary wall; Formation of car parking area at front comprising 6 no. car parking spaces; Refuse and recycling and cycle storage with hard and soft landscaping across the site, including boundary enclosures to side and rear".
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Decision

1. The appeal is allowed and planning permission is granted for "Demolition of existing dwelling and construction of a part one/two storey building with accommodation in roofspace to provide 8 residential flats (5 no. two bedroom, 2 no. one bedroom and 1 no. three bedroom). Retained vehicular access with front boundary wall; Formation of car parking area at front comprising 6 no. car parking spaces; Refuse and recycling and cycle storage with hard and soft landscaping across the site, including boundary enclosures to side and rear" at St. Michaels, Bickley Park Road, Bickley, Bromley BR1 2BE in accordance with the terms of the application, Ref DC/20/01398/FULL1, dated 30 March 2020, subject to the attached Schedule of Conditions.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to design and scale.

Reasons

3. The surrounding area is designated as an Area of Special Residential Character (ASRC) in the Council's Local Plan¹, which the Council have described as being predominantly characterised by single residential dwellings, although flatted developments are not uncharacteristic along Bickley Park Road. I noted plots of varying large sizes, occupied by different styles of large, detached buildings which are generally two to three stories in height. St George's church, vicarage and hall are located directly to the west of the appeal site, set within open grounds; the church being a Grade II listed nineteenth century building

¹ London Borough of Bromley Local Plan (2019)

with spire, while the vicarage and hall comprise a collection of late-twentieth century buildings sharing the appeal site's boundary.

4. The appeal site is a large, heavily planted, irregularly shaped plot occupied by a substantial detached dwelling. The existing dwelling takes up almost the full width of the site and sits broadly in line with the neighbouring dwellings either side, set back some distance from the wide highway behind thick planting. The proposed building would be sited in a similar position but would include additional bulk at the rear on account of part single and part two storey projections along the west boundary. This would be appreciable from the neighbouring houses at the vicarage, Silver Spires and White Wings, but the shape and positioning of these projections in relation to those neighbouring buildings and the church hall, set within a communal garden of similar size to neighbouring properties, would not appear unduly large or out of scale with buildings in the area.
5. The style and form of the proposal's roof would not be dissimilar to others in the surrounding area and the overall high quality, distinctly modern design of the proposal would be appropriate in the context of Silver Spires and White Wings, amongst other examples of large modern buildings on Bickley Park Road. Although it would be larger in size than neighbouring buildings either side, it would be of similar overall height and its hipped crown roof would not appear dominant. The presence of the neighbouring church would therefore remain a focal point in the street scene.
6. Views of the proposal from the street would be partially restricted by the appeal site's thick front boundary planting, most of which is shown to be retained, although I note the number of trees shown to be removed across the appeal site². The appeal site's surroundings include Merrywood Court on the opposite side of the highway and Dudley Lodge and Red Tree Apartments further to the east, beyond what appears to be an ongoing care home development. Therefore, I do not consider this part of the ASRC to be particularly sensitive to buildings of the proposal's scale and design, which would be set back behind off-street parking and boundary planting. It would appear as a small block of flats within a plot of commensurate size, rather than a large single dwelling, but this would not be odd or unexpected in this location and would not disrupt the existing rhythm of large, detached buildings within large plots along this part of the ASRC.
7. The proposal would comprise a high-quality development which would enhance the appearance of its surroundings which are characterised by large detached two to three storey buildings set within commensurately sized plots. Its design would make a positive contribution to the range of substantial buildings along Bickley Park Road. It would not therefore be out of scale or of poor design in the context of the ASRC and it would not cause any harm to the character or appearance of the surrounding area. It would accord with Policies 4, 37 and 44 of the Council's Local Plan. These require, amongst other things, development to be of a high standard of design which enhances the quality of local places, while respecting and complimenting local character, scale, proportion and form, and to enhance and strengthen the special and distinctive qualities of the ASRC.

² Arboricultural Method Statement by Arbtech Consulting Ltd dated 18 February 2020

8. I have been directed to 'Section 3: Guidelines for ASRCs' of the Council's Local Plan, which lists twelve criteria that development within ASRCs should be assessed against. The proposal would broadly accord with these guidelines. They include the need for development to not erode the quality and character of the ASRC, to respect the general pattern of development in the area, to not exceed the general height of existing buildings, and to maintain prevailing separation gaps between side boundaries, amongst other things.

Other Matters

9. I have seen comments relating to other matters submitted by interested parties objecting to the proposal. These were comprehensively addressed by the Council within their officer report and were not relied upon by members of the Council's Planning Sub-Committee to refuse the application. No new information has been presented as part of the appeal to lead me to form any different views on those matters.

Conditions

10. Conditions requiring the commencement of development within the relevant timeframe and specifying the approved plans are necessary in the interests of clarity and enforcement. It is reasonable and necessary to require approval of details of existing site levels and proposed finished floor levels prior to the commencement of development to ensure the proposal is constructed to an appropriate scale, as shown on the approved plans, considering the varying levels within the appeal site and different levels at neighbouring sites. Samples of proposed external surfaces are also required prior to the commencement of development to ensure the proposal is finished to a satisfactory standard. A Construction Method Statement would need to be approved prior to the commencement of development to ensure reasonable protection of the living conditions of neighbouring residents and pedestrian and highway safety throughout the construction and demolition process; this could include construction vehicle wheel washing measures and periods of demolition works.
11. Prior to any site clearance or development taking place the approval of tree protection details for those trees which have been shown to be retained, as well as full details of tree planting to be undertaken would be required. Details sufficient for enforcement purposes in these regards have not been provided as part of the proposal, and it is therefore reasonable and necessary to require these prior to the commencement of development. Compliance with those further details would avoid any need for an additional condition requiring compliance with the Arboricultural Report already submitted.
12. In view of the Council's Local Plan requirements, it would be reasonable to attach a condition requiring the approval of a programme of biodiversity enhancements, which could also include enhanced wildlife planting within the site. As these details would need to be incorporated into the development, they would also need to be approved prior to the commencement of development.
13. Full details of the proposed bicycle storage facilities are required to ensure they would be of an appropriate standard to encourage cycling as an alternative mode of transport compared to private motor vehicles, which would need to be approved and implemented prior to the first occupation of any dwelling. It is also necessary to attach a condition requiring the implementation of the

proposed car parking spaces prior to the first occupation of any dwelling to avoid any harm to pedestrian or highway safety.

14. A condition requiring the approval of surface water drainage details is necessary to ensure surface water is managed in a sustainable manner to reduce the risk of flooding. The Council have suggested two separate conditions in this regard, but one condition can appropriately specify the necessary requirements. The Council have also suggested conditions prohibiting the installation of any further windows or doors into the flank elevations of the building and prohibiting the removal of vegetation during the main bird nesting season. I do not consider such conditions necessary as the installation of any additional windows or doors would constitute development requiring planning permission, and the protection of nesting birds is provided by separate legislation.
15. In the interests of protecting the living conditions of neighbouring residents and future occupants of the proposed development, I consider it reasonable and necessary to attach a condition prohibiting the use of any areas of roof of the proposed building as a balcony, roof garden or similar amenity area.

Conclusion

16. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

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: 181221-D-001, STM-PP-01, STM-PP-02, STM-PP-03, STM-PP-04, STM-PP-05, STM-PP-06, STM-PP-07 REV B, STM-PP-08 REV B, STM-PP-09 REV B, STM-PP-10 REV B, STM-PP-11 REV B, STM-PP-12 REV B, STM-PP-13, STM-PP-14 REV B, STM-PP-15 REV B, STM-PP-16, STM-PP-17 REV B.
- 3) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; and levels across the site at regular intervals;
 - ii) full details of the proposed finished floor levels.

The development shall be carried out in accordance with the approved details.

- 4) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - (a) Dust mitigation and management measures;
 - (b) The location and operation of plant and wheel washing facilities;
 - (c) Demolition and construction noise mitigation and management measures;
 - (d) Details of construction traffic movements including cumulative impacts, including:
 - (i) Rationalised travel and traffic routes to and from the site;
 - (ii) full details of the number and time of construction vehicle trips to the site with the intention and aim of mitigating and managing 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 construction period; and
 - (vi) swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary;

and

(e) Hours of construction and demolition operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 7) No works or development shall commence until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification. If, within a period of 5 years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 8) No development shall commence until details of a programme of biodiversity enhancements, including artificial bird nesting boxes and bat roosts to be incorporated into the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved programme of biodiversity enhancements, and those enhancements shall be permanently retained thereafter.
- 9) No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,

iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 10) Prior to the first occupation of any dwelling hereby permitted, details of bicycle storage facilities shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling hereby permitted.
- 11) No dwelling shall be occupied until space has been laid out within the site in accordance with approved plan STM-PP-07 REV B for six cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 12) The roof areas of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area.