

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: 24 September 2021

Appeal Ref: APP/G5180/W/21/3273131

Land And Garages Adjacent Warwick Court and Maplehurst, Park Hill Road, Shortlands, Bromley BR2 0XG

- 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 Sundridge Homes Limited against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/03610/FULL1, dated 4 September 2020, was refused by notice dated 16 February 2021.
 - The development proposed is for demolition of existing garage/storage building and the construction of a detached two bedroom dwelling, with ancillary parking and bin storage facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council explains that they cannot demonstrate a five year housing land supply, consequently and 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 on any implications this might have for their respective cases.

Main Issues

4. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of Warwick Court and future occupants of the proposed development, with specific reference to outlook and privacy.

Reasons

Character and Appearance

4. The appeal site currently contains a double garage and parking area which appears to have been associated with a former residential use, with 2no substantial blocks of flats having since been built either side.
5. Policy 8 of the London Borough of Bromley Local Plan (2019) (LP) stipulates that when considering applications for new residential development, the Council normally require a minimum 1m space from the side boundary of the site to be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
6. There is a wide variety of building scales and designs within the locality, and their relationship to respective boundaries vary, nonetheless there is a tendency for buildings to be set away from them.
7. I accept that the current condition of the site does very little for the quality of the character and appearance of the locality and as a stand-alone piece of architecture the proposal has clear merit. However, the proposed dwelling would be built right up to its side boundaries and would appear cramped in nature, further by virtue of its very close proximity to Warwick Court it would be dwarfed by it thereby creating an uncomfortable visual duality, and leading to an incongruous feature within the street scene.
8. On this issue I find that the proposal would result in a cramped form of development that would appear at odds with the spaciousness of development within the locality, contrary to LP Policy 8 as described above, and LP Policy 4 which, amongst other things, requires all new housing developments to achieve a high standard of layout in order to respect spatial standards. With regard to the London Plan (2021), I acknowledge that its policy GG2 seeks to make the best use of land and that policy GG4 emphasises the need that more homes are delivered, however that is not at all costs. The Framework in paragraph 130 is quite clear that planning decisions should ensure that developments are visually attractive as a result of, amongst other things, layout and appropriate and effective layout; and are sympathetic to local character. I also consider the proposal to be contrary to the National Design Guide (2021) (NDG) specifically its characteristic of 'Context' for the reasons above.

Living Conditions

9. As found previously, the proposed building would be located close to the southern flank elevation of Warwick Court which includes a number of habitable room windows that would be conflicted by the rear elevation of the proposed building.
10. It may well be that mutual overlooking between these and the rear glazed areas and the courtyard proposed to serve the scheme would be relatively oblique, but nonetheless I consider that some loss of privacy to existing residents would ensue. Furthermore the outlook from these windows on Warwick Court would be curtailed at close range and therefore notwithstanding that I note it has been demonstrated that the proposal would not give rise to a

demonstrable loss of light to existing residents, I find in totality that the scheme would erode their living conditions; and would also fail to provide an acceptable level of amenity for future occupants of the proposed development. Whilst not so quite close range, I also consider that there would be direct overlooking from Maplehurst into the rear of the appeal site also.

11. I accept that as a result of the demolition of the garage there would be some positive changes to the outlook from windows of the lower floor flats of Warwick Court, but all in all, by virtue of the cramped nature of the scheme and such close proximity to other windows, I find that any benefits are countered by negative changes.
12. I find on this issue that the proposal would be detrimental to the amenities of the occupants of existing neighbouring flats, as well as the future occupants of the proposed dwelling by way of a loss of outlook and lack of appropriate privacy, contrary to Local Plan policy 37 which requires development proposals to respect the amenity of occupiers of neighbouring buildings and those of future occupants. The proposal also conflicts with the Framework in that planning decisions should create places with a high standard of amenity for existing and future users, as well as conflicting with the NDG and specifically its characteristic of 'Homes and Buildings' which states that well designed buildings provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them.

Planning Balance

13. The provision of an additional unit of residential accommodation within the Borough would provide a modest contribution to housing land supply within what amounts to be a sustainable location. I also acknowledge the other benefits advanced by the appellant stemming from the proposal, but bearing in mind the size of the development, respectfully, I consider that these are overstated. I consider that overall the harm that would be caused to the character and appearance of the area, in addition to living conditions of both existing and future residents would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

14. Therefore having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR