



Appeal Decision

Site visit made on 19 October 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26th October 2021

Appeal Ref: APP/G5180/W/21/3272901

9 Copse Avenue, West Wickham BR4 9NL

- 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 Miss Kate Bennett against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/02367/FULL1, dated 14 June 2020, was refused by notice dated 22 February 2021.
 - The development proposed is the demolition of existing bungalow and the construction of 2 Nos 3 Bed 2 storey semi detached dwelling houses.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and the construction of 2 Nos 3 Bed 2 storey semi detached dwelling houses at 9 Copse Avenue, West Wickham, BR4 9NL in accordance with the terms of the application Ref DC/20/02367/FULL1, dated 14 June 2020 and subject to the conditions in the attached schedule.

Procedural Matters

2. Planning law requires that applications for planning permission be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In this case, the development plan comprises the Bromley Local Plan (Local Plan) and the London Plan. The National Planning Policy Framework (the Framework) is a material consideration.
3. The Appellant and the Council were both given the opportunity to comment on the revised Framework which was introduced in July 2021. I have taken these comments into account.
4. The Council have drawn my attention to their error in the reason for refusal as reference to Policy 6 of the Local Plan should be Policy 4. This error is acknowledged in the Appellant's statement of case. I have considered the proposal on the basis of the correct policy as no prejudice arises from doing so and, in any event, it does not materially alter my conclusions.

Main Issue

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

Reasons

6. The character of the area is residential in nature, with a mix of semi detached and detached houses, mostly with gardens and main buildings set back from the front boundary. Houses vary in both form and appearance but can be loosely categorised as being modern and suburban.
7. The appeal site is prominently located on a corner at the junction with Boleyn Gardens and is open to extensive, close public views. More distant views are limited due to the relationship between the site and surrounding buildings and streets.
8. The existing bungalow is more modest in scale than surrounding buildings, which are typically 2 storeys. This provides a more open aspect to the corner turn as viewed from Copse Avenue. Whilst the openness is of some value, it is also untypical of the area and provides a weak visual relationship between the properties on Copse Avenue and Boleyn Gardens. As such, the replacement of the existing bungalow with housing of a scale that is more typical of the area would improve the overall quality of the street scene.
9. The overall roof heights of the proposed dwellings would be lower than the neighbours. I acknowledge that they would be of a greater mass than the existing bungalow and therefore would be more visually dominant. However, for the reasons discussed, above the effect of development of a greater scale would be beneficial to the character of the street scene.
10. I acknowledge that both Boleyn Gardens and Copse Avenue were laid out in regular street patterns. Equally, the site can be distinguished from the mid street houses by its corner position and therefore some deviation from the neighbours in terms of the front building line is inevitable, and perhaps desirable to ensure a satisfactory visual relationship with both roads can be achieved.
11. Whilst the proposal would not strictly respect the front building lines of either neighbour, the stepped nature of the dwellings would strike an appropriate balance and visual relationship between the two and ensure that it would not be seen as overly dominant when viewed in side profile from either Copse Avenue or Boleyn Gardens.
12. Overall, the proposed buildings would be acceptable in terms of their scale and relationship with neighbouring houses. They would maintain an appropriate sense of spaciousness around the building, including resulting from the car port and development to the sides.

13. The additional needs of the development in terms of off street vehicle parking and waste storage would increase the amount of hard standing to the front of the property. There would be a consequent reduction in visible green space that would have an impact in terms of character and appearance. Notwithstanding this, the amount of hardstanding would not be dissimilar to what is visible in the surroundings or otherwise excessive. The visual impact could also be softened using a condition requiring the agreement of appropriate additional boundary landscaping to the front.
14. The distinct, corner nature of the site is such that it already has a rear garden space that is generally untypical of an area where large, deep gardens are common. The subdivision of the rear garden to serve the two houses would exacerbate this further by introducing a fence down the centre. However, this would not be extensively perceived as opportunities for direct overlooking into the garden would be limited mainly to the immediate neighbours. As such, the degree of enclosure resulting from the proposal would not therefore have an adverse effect on the sense of openness that rear gardens bring as a general characteristic of the area.
15. For the reasons set out, the proposal would not have a harmful effect on the character and appearance of the surroundings. Consequently, there is no conflict with Policies 4 and 37 of the Local Plan which collectively seeks to ensure that development achieves a good standard of design and layout.

Other matters

Planning permission at 11 Copse Avenue

16. I have noted the planning permission that has been granted by the Council at 11 Copse Avenue, which they indicate would be in close proximity to one of the proposed houses. The potential impacts on the proposal arising from this development are not extensively evidenced by the Council. The permission has also not been implemented, and may not be. Whilst I have paid regard to this matter, it does not alter my conclusions.

Other Interested Party comments

17. Comments from Other Interested Parties are noted and have been considered. Comments relating to the main issue have been considered as part of the discussion above.
18. In relation to flood risk, I have considered the Appellant's Drainage Strategy alongside the comments from consultees. I am satisfied that the risks associated with flooding have been considered and would be suitably mitigated by a condition requiring development that accords with the submitted details.

Conditions

19. The Council have provided suggested conditions for consideration in the event that the appeal is allowed. I have considered them in light of Government policy at paragraph 56 of the Framework¹. Where I have adopted the Council's conditions, in a number of cases I have amended the wording in the interests of clarity and effectiveness.
20. I will consider conditions by reference to the numbering in the attached schedule.
21. Conditions (2) (3) are necessary in the interests of certainty. (3) needs to be a pre-commencement condition as misunderstandings over levels would be harder to address at a later point.
22. (4) (5)(6)(7) is necessary in the interests of ensuring a satisfactory standard of external appearance and landscaping.
23. (8) is necessary to ensure satisfactory management of risks linked to construction works. It needs to be pre commencement as some of the measures need to be in place before works start.
24. (9) is necessary in the interests of promoting more sustainable modes of transport. (10) is necessary to confirm the provision for waste storage.
25. (11) is necessary in order to secure appropriate parking and access provision in the interests of highway safety. The restriction on permitted development rights in condition (11) is justified on the grounds of highway safety. The clear justification for this restriction required by paragraph 54 of the Framework is self evident.
26. I am not satisfied that the evidence demonstrates clear justification for the more generic removal of permitted development rights that the Council seeks in their suggested conditions, so I have not included these.
27. (12) (13) are necessary to ensure adequate provision is made for site drainage in accordance with the Appellant's Drainage Strategy and water capacity.
28. The Council's additional suggested condition in relation to wheel washing facilities is not necessary as the matter is adequately addressed under (8).

¹ Including that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Conclusion

29. For the above reasons, and paying regard to all other matters raised, the proposal would accord with the development plan for the area and, as a consequence planning permission should be granted. As such the appeal is allowed.

D.R. McCreery

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans unless otherwise agreed in writing by the Local Planning Authority.

25/01 Rev C (Existing Floor \Plan & Site Plan), **25/01.1 Rev A** (Existing Location Plan & Front Elevation), **25/01, Rev C** (Existing Floor Plan & Site Plan), **25/.02.2, Rev M** (Proposed Site Plan), **25/05, Rev B** (Proposed Roof Plan), **25/08, Rev A** (Proposed Front and Rear Elevations), **25/09, Rev A** (Proposed Side Elevations), **25/11, Rev A** (Proposed Sections A-A B-B), **25/21, Rev A** (Proposed doors and window types), **25/22, Rev B** (General Notes: Building Control), **25/23, Rev B** (Materials Schedule and Specifications 1), **25/24, Rev A** (Materials Schedule and Specifications 2), **25/25, Rev B** (Proposed Ground and First Floor Furniture Plans), **25/27, Rev A** (Proposed East & West Boundary), **25/30 Rev A** (Existing Front, Side & Rear Elevations), Topographical Plan ref. **25054SE-01 Rev A** (Topographical Plan), **1111-1184-CIV-Rev P4** (With Drainage Strategy Report of 22/01/2021).

3. Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.
4. Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. Notwithstanding the submitted drawings, prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: 1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species; 2. Proposed hardstanding and boundary treatment; 3. A schedule detailing sizes and numbers of all proposed trees/plants; 4. Sufficient specification to ensure successful establishment and survival of new planting. The development shall be carried out in accordance with the approved details.

6. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with any such approved details.
7. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details
8. 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 construction period (vi) A 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. (e) Hours of operation (f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis. The development shall be undertaken in full accordance with the details approved under Parts a-f
9. Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works. The approved details shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
10. Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works. The arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

11. Before first occupation of the dwellings hereby permitted parking spaces and turning space shall be completed and available for use in accordance with the details approved as part of this planning permission. Thereafter they shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.
12. The development shall be carried out in full accordance with the recommendations and drawings associated with the Drainage Strategy Report carried out by RCD Consultants Ltd (including Engineering Layout 1111-1184-CIV-10 Rev P4) unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to first occupation of the dwellings a Water Strategy shall be agreed with the Local Planning Authority (in consultation with Thames Water). The Water Strategy shall either demonstrate that adequate waste and other water capacity exists to serve the development or include such mitigation as is necessary to ensure that adequate (including All wastewater network upgrades required to accommodate the additional flows from the development). The development shall be carried out in accordance with the Water Strategy prior to first occupation of the dwellings, unless a variation is agreed in writing with the Local Planning Authority.