



Appeal Decision

Site Visit made on 28 October 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/11/2021

Appeal Ref: APP/G5180/W/21/3269176

Land at the rear of 2A Plantation Drive, Orpington, Kent BR5 4NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms C Powell against London Borough of Bromley.
 - The application Ref DC/20/04441, is dated 25 November 2020.
 - The development proposed is erection of a two-bedroom house (chalet partly) fronting Quilter Road.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two-bedroom house (chalet partly) fronting Quilter Road at land at the rear of 2A Plantation Drive, Orpington, Kent BR5 4NY in accordance with the terms of the application, Ref DC/20/04441, dated 25 November 2020, subject to the 11 conditions set out in the attached schedule.

Preliminary Matters

2. The application form gives a postcode of 'BR5 4DD'. However, I have included the accurate postcode within my decision.
3. The Council's statement of case sets out the grounds on which the Council has resolved to contest the appeal. Furthermore, there is no dispute between parties that the Council cannot demonstrate a deliverable 5-year supply of housing sites. As a result, paragraph 11d of the Framework is engaged and the development plan policies referenced in the Council's refusal notice are out-of-date. I have given regard to these matters in defining the main issues.
4. Drawing No CP/02A inaccurately annotates the proposal as 'Proposed bungalow'. Even so, this has not had a bearing on my assessment of the appeal which is based on the two-storey dwelling clearly shown on the proposed drawings.
5. In the period since the appeal was submitted the Government published the revised National Planning Policy Framework July 2021 (the Framework) which is being brought into immediate effect for the purposes of decision-making. The London Plan (March 2021) (LP 2021) has also been published during this period and forms part of the development plan for the area. The Council has referred to both these documents within its statement of case and the appellant has been provided with an opportunity to comment on the updated national policy and development plan.

Main Issues

6. The main issues are:

- (i) the effect of the proposal on the character and appearance of the area; and
- (ii) whether the proposal would deliver a sustainable form of development in the context that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

Reasons

7. The appeal site is located within a close-knit residential area comprising dwellings of mixed design. Buildings are primarily two-storey in scale with regular pitched roof forms but there is variation in the area for example there are three-storey elements and alternative roof forms on the developments located towards the junction of Quilter Road with Cuckmere Way which sit opposite and in close proximity to the appeal site. The proposal relates to land which previously formed part of the garden serving No 2 Plantation Drive. This land is rectangular in shape and has a boundary with Quilter Road. The rear gardens of neighbouring properties on Plantation Drive and the access drive serving a neighbouring garage block also share boundaries with the site.
8. In considering the appeal for a one-bedroomed bungalow on the site¹ earlier this year (February 2021 appeal), the Inspector in that instance was primarily concerned that the bungalow's scale would appear awkward and incongruous having regard to the scale of built form in the area. They also considered the bungalow would appear cramped when viewed from Quilter Road because of the limited space between the front rear and eastern boundaries.
9. In contrast, the proposed dwelling before me would have a smaller footprint set further away from its eastern boundary. It would reinforce the predominantly two-storey scale of the surrounding built form. The asymmetrical side profile would be seen in the context of the other varied roof forms in the area. The front elevation of the dwelling would be set back from the boundary with Quilter Road and would sit on a similar alignment to the terraced dwellings located just beyond the neighbouring garage block to the east. Even though the rear elevation would sit in close proximity to the rear boundary, this would not be highly perceptible from the street as the rear garden space within the site, in combination with the rear garden at No 4 Plantation Road, would provide a spacious backdrop.
10. I acknowledge that the site along with neighbouring gardens currently provides a degree of spaciousness to this section of Quilter Road. The prominence of what was then the garden serving No 2 Plantation Drive and its contribution to the street scene was referred to by the Inspector dealing with an appeal for a detached two-bedroomed bungalow on the site² (2012 appeal). However, this was prior to subdivision of the plot, the erection of the dwelling at No 2A Plantation Drive and the development of the terraced units on the opposite side of Quilter Drive. These developments have created a tighter urban grain with buildings located close to this section of the Quilter Road frontage. The proposal would retain good separation between the dwelling and surrounding

¹ APP/G5180/W/20/3258031

² APP/G5180/A/12/2168515

dwellings. As a result, and in the context of the current pattern of development, an acceptable degree of spaciousness would be retained and the dwelling would successfully assimilate into the street scene.

11. I conclude, the development would have an acceptable relationship with the character and appearance of the area. In that regard it would comply with the design and local character requirements of Policies 4 and 37 of the London Borough of Bromley Local Plan (2019) (BLP) and the Framework.

Other Matters

12. In the February 2021 appeal, the Inspector in that instance noted that an agreement had been reached with the Highway Authority for the provision of a parking space in the rear garden of No 2A Plantation Drive. The block plan for the current appeal shows a parking space in the rear garden of No 2A. However, the parking space is situated outside the red line site boundary and from the information before me, I cannot be certain that provision of this space would be within the appellant's control.
13. Notwithstanding the above, Condition 7 of the planning permission relating to No 2A Plantation Drive³ required that details of parking spaces be approved, and subsequently provided and retained. Having seen the current situation on site, the development before me would not replace any parking spaces that are currently in situ. Any breach of conditions or non-compliance with details previously approved under conditions attached to the planning permission for No 2A Plantation Drive are a separate matter for the Council to investigate and enforce if necessary.

Conditions

14. I have had regard to the conditions suggested by the Council and assessed these against the relevant tests in paragraph 56 of the Framework.
15. I have attached the standard timescale for implementation and a condition specifying the approved drawings in the interests of certainty.
16. A condition requiring details of materials is necessary in the interests of ensuring the materials utilised in the finished scheme positively respond to the surrounding built environment. A condition requiring details of bicycle parking is attached in the interests of promoting sustainable transport options. Given that the site has already been cleared of any substantial planting, I have attached a simplified landscaping condition. I have attached the suggested condition requiring Secured by Design measures to be incorporated in accordance with the security and crime prevention requirements in Policies 4 and 37 of the BLP. A surface water drainage condition is also attached to ensure that the development makes adequate provision in this respect. A requirement to prevent disposal of surface water onto the highway is incorporated within the same condition in the interests of highway safety.
17. All the above conditions requiring further details to be submitted are required to be complied with before development above ground works takes place to ensure that the finer details of the scheme are incorporated into the built-out scheme.

³ APP/G5180/W/15/3129026

18. Conditions requiring the parking area for the proposed dwelling and visibility splays to be provided before the development is first occupied and retained thereafter are attached in the interests of ensuring the development is served by safe off road parking facilities.
19. The Council has not identified any potential harm in respect of the living conditions of neighbouring occupiers. Given the specific design of the proposal and the relationship with the main windows and private garden areas serving these neighbouring dwellings, I find no reason to disagree. However, a condition is attached to prevent any first-floor windows from being inserted in elevations facing adjoining properties on Plantation Drive in order to ensure that suitable levels of privacy are retained for neighbouring occupiers.
20. I have also attached the Council's suggested condition to remove permitted development rights for buildings, structures, extensions, alterations, walls or fences of any kind other than those approved under this planning permission in order to ensure that the development has an acceptable relationship with neighbouring properties and the street scene in the long term.
21. I have not attached the Council's suggested condition specifying that the area to the front of 2A Plantation Drive shall not be used for parking and that measures shall be taken to prevent this. As with any requirement for an off-street space to be provided to the rear of No 2A, from the evidence before me, I cannot be certain that this neighbouring property is in the control of the appellant.

Conclusion

22. The proposal would accord with the policies in the Framework when considered as a whole. Furthermore, I have found that the proposal would accord with the policies of the development plan. Therefore, the proposal would deliver a sustainable form of development and hence the appeal should be allowed.

M Russell

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: Site location plan dated '08/02/2020' and Drawing Nos CP/01A (Block Plan), CP/02A(Quilter Road View Points), CP/03A (Floor Plans), CP/04A (East, South and North Elevations) and CP05A (West Elevation and Sections).
- (3) 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. Once approved, the development shall be carried out in accordance with the approved details.

- (4) 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. Once approved, the arrangements shall be provided before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- (5) Prior to commencement of above ground works, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- details of all 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;
- details of proposed hardstanding and boundary treatments.

Once approved, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- (6) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development. No above ground construction shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and the security measures to be implemented in compliance with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.
- (7) Prior to the commencement of above ground works, details of a drainage system for the site for the disposal of surface water shall first be provided to and approved in writing by the local planning authority. The details shall include measures to prevent the discharge of surface water from private land on to the highway. Once approved the drainage system shall be completed in accordance with these details before any part of the development hereby permitted is first occupied and shall be retained as such thereafter.
- (8) Before any part of the development hereby permitted is first occupied, the off-road parking area for the dwelling hereby approved as shown on drawing No CP/01A shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for the purposes of parking thereafter.
- (9) Before any part of the development hereby permitted is first occupied, the access shall be provided with 43m x 2.4m x 43m visibility splays. These splays shall be permanently retained thereafter and there shall be no obstruction to visibility in excess of 1 metre in height within these splays except for trees selected by the Local Planning Authority.

- (10) No windows shall be inserted in the first-floor west elevation, the first-floor north elevation wall of the proposed bathroom or the north facing roof slope facing neighbouring properties on Plantation Drive at any time.
- (11) 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 buildings, structures, extensions, alterations, walls or fences of any kind other than those approved under this planning permission shall be erected or made within the curtilage of the dwelling hereby permitted without the prior written approval of the Local Planning Authority.