



Appeal Decision

Site visit made on 1 December 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2021

Appeal Ref: APP/G5180/W/21/3273508

25 Goodmead Road, Orpington BR6 0HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Christopher Butler against the decision of London Borough of Bromley.
 - The application Ref DC/20/03810/OUT, dated 24 September 2020, was refused by notice dated 28 January 2021.
 - The development proposed is described as an additional detached 2 Bed Bungalow to approved schema under ref DC/18/01070/OUT (Erection of one pair of 3-bedroom semi-detached houses) with associated access and parking at land at rear of 25 Goodmead Road, outline application for access and layout.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was in outline and sought approval of access and layout at this stage. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the area, and 2) the living conditions of occupants of surrounding residential properties with specific regard to outlook and light.

Background

4. The appeal site has a long planning history that has been set out by both main parties. The site benefits from an extant planning permission for the erection of a pair of semi-detached properties situated towards the rear of the site, as referred to in the description of development. I have therefore, on the whole, confined my consideration of the appeal as it relates to the additional dwelling as set out.

Reasons

Character and appearance

5. The appeal site contains a detached bungalow with roof level accommodation and includes land in commercial use to the rear of the dwelling. It is located in a predominantly residential area. Notwithstanding the two-storey properties on Glendower Crescent, this section of Goodmead Road, and properties on Perry Hall Close to the rear, are notable as forming bungalows which on the whole,

- have generous rear garden spaces, that contribute to give the area a relatively spacious feel, which in turn positively contributes to the character and appearance of the area.
6. When viewed from the street, the existing dwelling encompasses the front garden and driveway, including access to the rear. From this viewpoint, it is less apparent that the vast majority of the site is given over to a commercial use that extends to the rear of the site.
 7. The existing dwelling on site has a small enclosed rear garden, beyond which is a timber shed and a flat roof portacabin style building. It is partly in the location of these two buildings where the bungalow is proposed. The Council's evidence shows¹ that these existing buildings are out with the land subject to the certificate of lawfulness relating to the land to the rear.
 8. In combination with the extant planning consent, the proposed development would introduce three dwellings to the land to the rear of 25 Goodmead Road, as opposed to the two dwellings that have consent. There are also knock-on implications for the sizes of gardens and parking spaces.
 9. One of the key features of the majority of dwellings surrounding the appeal site are their large rear gardens. The proposed bungalow would have a very small garden area and its siting would result in a similarly small rear garden area for the host property, particularly in view of the size of the dwelling it serves. They would be considerably smaller than the majority of the similar dwellings in the surrounding area.
 10. In the context of the size of the dwellings and the size of their gardens, I consider that these would be significantly out of character with the surrounding area. When also considering the land given over to vehicular access and parking, the overall result is that the development, as a whole, would appear overcrowded and cramped, with the resulting dwellings appearing confined into their plots. This would create a clear conflict with the generally spacious and well-defined character of the surrounding area. I do not agree with the appellant that as the gardens would not be visible from any public vantage point leads to the conclusion that there is therefore no impact on the character of the area.
 11. I therefore conclude that the proposed development would have an unacceptable impact on the character and appearance of the area. The proposed development would be contrary to Policies 4 and 37 of the Bromley Local Plan (2019). Collectively, these policies require, amongst other things, that the site layout and space around new housing is designed to a high-quality recognising, as well as complementing the qualities of the surrounding area, and that the general design of new development should complement the layout of adjacent buildings and areas.

Living conditions

12. The proposed bungalow would be sited to the rear of the existing dwelling on site. This property contains habitable room windows that would look onto the proposed bungalow. No details of scale have been submitted with the application.

¹ Appendix A Certificate of Lawfulness Plan – 03/02828/ELUD

13. The layout that is proposed would result in the bungalow being particularly close to the rear elevation of the existing property. Although there are existing outbuildings located in a similar position, it is almost certain that the bungalow would greatly exceed the height of these existing buildings, and no indicative plans or other details have been submitted to suggest otherwise.
14. Due to its siting and eventual scale, the proposed bungalow would have an unacceptable impact on the outlook from the existing dwelling on site. Due to its orientation, it would also be likely to cause a reduction in levels of sunlight, although this would be confined to limited times of the day and, in light of any substantive evidence, would cause less harm than the impact on outlook.
15. The appellant considers that a condition could be imposed to set maximum height parameters to overcome any concerns in relation to the height of the bungalow. No specific height that would be deemed appropriate has been suggested by either party. I do not consider it would be appropriate to condition such a fundamental aspect of the proposal that would have implications for its overall design and implementation. Either way, it has not been demonstrated that the proposed bungalow could be successfully accommodated within the layout put forward without causing harm.
16. I acknowledge that the appellant may be comfortable with the impact of the proposed development on the existing property. Occupants of properties, however, inevitably change over time and I must consider the impact as it relates to any future occupants.
17. Therefore, based on the evidence before me, I cannot be certain that the proposed development could be delivered without causing unacceptable harm to the living conditions of occupants of surrounding residential properties with specific regard to outlook. In this respect I consider that the proposal would be contrary to Policies 4 and 37 of the Bromley Local Plan (2019). These policies seek to ensure, amongst other things, that development should respect local character and spatial standards, including the amenity of occupiers of neighbouring buildings and those of future occupants ensuring they are not harmed by inadequate daylight, sunlight, or overshadowing.

Other Matters

18. The Council cannot demonstrate a five-year supply of deliverable housing sites and as such significant weight should be given to the provision of housing as a result of the development.
19. However, the adverse impacts of the proposal in terms of the harm to the character and appearance of the area and living conditions, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which include a requirement for good design². It therefore follows that the presumption in favour does not apply.
20. The appellant suggests that the failure to implement any of the previous planning consents at the site implies that the additional dwelling is necessary to make the development viable. I have not been presented with any substantive or financial evidence in order to give significant weight in favour of the proposed development in terms of viability.

² National Planning Policy Framework, Chapter 12

21. The appellant has referred to the impacts of the lawful use on the living conditions of existing residents. I accept that such an argument can weigh in favour of the proposed development in terms of the proposed land use, however on the matters most pertinent to the appeal, I find that the impact of the lawful use does not outweigh the harm I have identified. There is nothing before me to suggest that the appeal development is the sole means of achieving the potential benefit of removing the existing use.

Conclusion

22. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
23. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR