



Appeal Decision

Site visit made on 2 December 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 JANUARY 2022

Appeal Ref: APP/G5180/W/20/3264674

32 Wellbrook Road, Orpington BR6 7AB

- 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 W Maguire against the decision of London Borough of Bromley.
 - The application Ref DC/20/02974/FULL1, dated 3 August 2020, was refused by notice dated 29 September 2020.
 - The development proposed is the demolition of existing house and garage, and erection of 2 x 3-bedroom dwellings over 2 floors.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing house and garage, and erection of 2 x 3-bedroom dwellings over 2 floors at 32 Wellbrook Road, Orpington, BR6 7AB in accordance with the terms of the application, Ref DC/20/02974/FULL1, dated 3 August 2020, subject to the conditions contained in the attached schedule.

Preliminary Matter

2. Since the Council's original decision, The London Plan 2021 has been published by the Mayor of London. The policies contained in The London Plan 2021 replace those of The London Plan 2016 referred to in the Council's original decision and as such those policies are no longer relevant.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located on part of Wellbrook Road that sits behind the main section of the road. It has a gated access that leads to a small cul-de-sac that includes four detached and similarly design bungalows of Scotney Close and two other detached bungalows, one of which is located on the appeal site.
 5. Although the properties of Scotney Close, the appeal property and the adjoining property are notable as forming detached bungalows set within landscaped grounds, the wider area contains a wide range of property sizes and settings. In the wider area, there are short terraces of two-storey properties, detached and semi-detached dwellings, all with various garden sizes.
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6. The appeal site comprises a large, detached bungalow with a large rear garden area. The proposed development would involve the subdivision of the existing plot, roughly down the middle, parallel with the existing side boundaries. Although there would be a slightly stepped building line in the proposed properties, it reflects the general siting of the dwellings to either side, and I find no harm in this regard.
7. Both proposed properties would be accessed from the private road in a similar manner and position to the existing dwelling. They would both have frontage parking, small front garden areas and reasonably sized rear garden areas. Given the degree of space that would remain around both dwellings, and their overall size, I do not consider that this would represent overdevelopment of the site, nor would it appear cramped.
8. In terms of their scale, the provision of roof level accommodation, with an eaves level commensurate to the existing bungalows of Scotney Close, results in a development that would not be out of scale with its surroundings. This is further demonstrated in the submitted street-scene elevation showing how the dwellings would sit in relation to the other properties in the street-scene.
9. Whilst there is a degree of variation in the design of surrounding properties, the proposed dwellings forming detached bungalows with steep pitched roofs reflect those elsewhere in the street-scene. It is also proposed to use red bricks to match those of the adjacent dwelling at no. 1 Scotney Close. The proposed dwellings also incorporate well-proportioned windows, with a darker brick being used to form a soldier course and sills. Therefore, in terms of its overall design, I do not consider that the development would cause harm.
10. Although the dwellings would be closer to the adjacent dwellings either side than the existing dwelling on site, I find that the distances that would be maintained would ensure that an adequate degree of separation would remain and would not cause harm in this regard.
11. The proposed development results in an overall increase in the quantum of development on site insofar as one dwelling would be replaced by two. However, the existing dwelling is relatively large and includes a sizeable garage and rear garden. Despite the fact that the proposed development would not strictly replicate the make-up of the bungalows in Scotney Close, I nevertheless do not find that this would cause unacceptable harm for this reason. It would also, for the most part, be clearly divisible in visual terms from the other four bungalows.
12. I therefore find that the site successfully accommodates the proposed development without causing unacceptable harm to the character and appearance of the area. It would comply with Policies 1, 4, 8 and 37 of the Bromley Local Plan (2019) which collectively require, amongst other things, that development should be of a high standard of design, complementing the proportion, scale form and layout of adjacent buildings, and should respect local character and ensure that the character and appearance of the area is not adversely affected. These policies also seek that development should positively contribute to the street scene and, for a development of this nature, should be set back a minimum of 1m from the side boundary.

Other Matters

13. I note the recommendations of the Preliminary Ecological Appraisal (The Ecology Partnership – May 2018) concerning the development of the site, particularly in relation to Badgers. In order to ensure protection measures are in place during the demolition and construction phase of the development, a planning condition will be imposed requiring details to be submitted.
14. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar developments. However, no directly comparable sites to which this might apply were put forward. Furthermore, each application and appeal must be determined on its own individual merits, and a generalised concern of this nature does not justify withholding permission in this case. Given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area.
15. I note that several objections have been received to the proposed development. I have considered those in relation to character and appearance in my assessment above.
16. Comments relating to the increased use of the access are not pertinent to the main issue and I do not have any substantive evidence that the proposed development would cause harm to highway safety or have severe impacts. Similarly, there is no evidence that the lack of visitor parking would lead to unacceptable highway safety impacts.
17. In terms of the impact of the development on living conditions with regard to outlook and privacy, although not pertinent to the main issue, I consider that the development is of a scale, design, and siting to ensure that there would be no unreasonable impacts in this regard. Similarly, I do not consider that there would be unacceptable impacts on living conditions due to noise and disturbance associated with replacing one dwelling with two.
18. Reference has been made to the unsightly impact of the bin store. The submitted details show that this would be provided in a timber storage unit, close to the access point. Due to its size, siting, and appearance, I do not consider that the refuse storage unit would have an unacceptable impact on the character or appearance of the area.
19. Reference is made that the Scotney Close development was built to provide accommodation for retired elderly people. There is no substantive evidence before me that would justify dismissing the appeal on this basis.
20. Concern is raised in relation to the impact on the drainage/sewerage system. There is no evidence before me to suggest that the development would cause harm in this regard and therefore this would not be a reason to dismiss the appeal.
21. Comment has been received that the proposed development, by removing an existing bungalow, would reduce the amount of suitable housing for elderly and disabled people. I am not however provided with any evidence in relation to the provision of such housing, or lack of, to give this matter significant weight in the appeal.

22. I note that some trees are proposed to be felled. These are not subject to a preservation order and the Council have raised no objection to their removal. Taking this into account, and the fact that a landscaping scheme can be secured by condition, I have no reason to form a different view.

Conditions

23. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
24. I have considered the suggested conditions against advice in the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency, clarity, and omitted others.
25. The proposed materials are indicated on the approved plans. It is therefore not necessary to impose a condition requiring the use of matching materials, suffice it to say that the development does not relate to the extension of an existing building.
26. In the interests of sustainable travel and sustainable development, it is necessary to impose a condition requiring the submission of details of electric car charging points.
27. Appropriate details of refuse storage and cycle parking have been submitted with the application. It is therefore not necessary to impose conditions requiring the submission of these details. I will however impose a condition requiring their implementation prior to occupation of the development. This is in the interests of character and appearance and sustainable travel respectively.
28. In the interests of the character and appearance of the area, a condition requiring details of hard and soft landscaping is necessary.
29. The Environmental Health Officer (EHO) has recommended a condition requiring the submission of a Construction Method Statement. Such a condition is necessary to ensure the impacts of the construction phase are minimised on the local area. It is required prior to commencement to ensure that the measures are in place for the duration of construction.
30. A condition requiring the submission of an Acoustic Assessment is also recommended by the EHO. From my observations on site, I did not find that the site was exposed to any noise sources that would warrant the submission of an assessment, nor would the proposed use of the site generate noise levels that would warrant the submission of an assessment. Such a condition is therefore not necessary.
31. The EHO has advised that an informative be attached to state that during the works on site, if any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Authority for approval in writing. In the interests of public health and safety and to ensure the site is free from contamination, it is necessary that this requirement is a planning condition as opposed to an informative.

32. In the interests of biodiversity and protection of protected species, a condition requiring the submission of details of a scheme for the protection of badgers is necessary. It is required prior to commencement of development to ensure that the measures to protect protected species are in place for the duration of the construction phase.

Conclusion

33. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

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:
 - Existing and Proposed Site Levels – Drawing Number 002
 - Block Plan – Drawing Number 100
 - Plans – Drawing Number 101
 - Front and Rear Elevations – Drawing Number 102
 - Side Elevations and Sections – Drawing Number 103
 - Proposed Boundary Treatments – Drawing Number 104
 - Refuse and Cycle Storage – Drawing Number 105
- 3) Details of electric car charging points shall be submitted to and approved in writing by the local planning authority and the charging points shall be installed in accordance with the approved details prior to first occupation of any of the residential units hereby permitted and shall be permanently retained in working order thereafter.
- 4) Neither dwelling shall be occupied until the approved details of refuse and cycle storage relating to that dwelling have been implemented. The refuse and cycle storage areas shall be retained as such at all times thereafter.
- 5) Prior to commencement of above ground works, details of treatment of all parts of 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.

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.

Any new trees that die, are removed, or become 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.

- 6) No development shall take place, including any works of demolition, until a scheme for the protection of badgers (a protected species under the Wildlife and Countryside Act 1981) and their associated habitat, together with a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall include an updated survey and measures to be implemented both during demolition and construction works and following completion of the development. The approved

scheme shall be implemented in accordance with the agreed programme and be adhered to throughout the construction period for the development.

- 7) 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:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities;
 - v. measures to control the emission of dust and dirt during construction and demolition;
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii. delivery, demolition and construction working hours.

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

- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

-----End of Conditions Schedule-----