



Appeal Decision

Site visit made on 18 March 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/G5180/W/21/3279427

The White House, 120 Leasons Hill, Orpington, BR5 2NH

- 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 Mr Lingham against the Council of the London Borough of Bromley.
 - The application Ref 20/00773/FULL1, is dated 16 February 2020.
 - The development proposed is extension of existing dwelling to create two semi-detached 5-bedroom houses and a detached 4-bedroom house.
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Decision

1. The appeal is dismissed and planning permission for extension of existing dwelling to create two semi-detached 5-bedroom houses and a detached 4-bedroom house is refused.

Main Issues

2. Having regard to the reasons given by the Council for contesting the appeal, these are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect on the living conditions of the adjoining occupiers at 9 Swan Close and 118a Leasons Hill with particular reference to outlook, noise and disturbance; and
 - Whether internal living conditions within the proposed dwelling at the rear of the site would be satisfactory.

Reasons

Character and appearance

3. The proposal involves extensive additions to The White House and its sub-division into two dwellings. A new house would also be constructed to the rear. The existing access drive from Leasons Hill would be utilised.
4. The surrounding residential area largely comprises frontage development with private rear gardens. However, the proposed house would be alongside 8 Swan Close and so its positioning would not be entirely out of keeping with the prevailing pattern of development. Indeed, buildings in a similar location to the proposal can be glimpsed from along Leasons Hill. Furthermore, the arrangement of built form and undeveloped areas is not so uniform that

development behind The White House should be precluded. Indeed, the proposed dwelling would be compatible with the locality in terms of its siting. Sufficient space would also remain between the enlarged property at the front and the proposed house to avoid a cramped, overdeveloped appearance.

5. Therefore, there would be no harm to the character and appearance of the surrounding area and no conflict with the relevant parts of Policies 3, 4 and 37 of the Bromley Local Plan. These are concerned with backland development, housing design and the general design of development.

Living conditions of adjoining occupiers

6. The new house would be very close to the boundary with 9 Swan Close. A substantial hedge runs along it. Whilst the north elevation has a chalet style design, there would be a significant mass of built development alongside the rear garden of No 9. Furthermore, given the generally sloping topography, the level of the proposed house in relation to this area is not clear. Neither is it evident that the hedge could be retained. Therefore it has not been demonstrated that the proposal would not have an overbearing impact leading to a loss of outlook. There would therefore be a negative effect on the living conditions of the occupiers.
7. Vehicular access to the house at the rear would be gained alongside 118a Leasons Hill which has a small garden. Traffic would be at a raised level compared to the garden. It would also be close to the proposed accommodation at Plot B. However, the movements generated by a single dwelling are likely to be few and spread across the day. There is no clear evidence that they would be intrusive and boundary screening could be provided. Whilst vehicles using the access road might be apparent, the likely scale and level of any associated noise or disturbance would not be so great as to result in adverse impacts for the occupiers of No 118a.
8. Nevertheless there would be conflict with Local Plan Policy 37 as the proposal would not respect the amenity of the occupiers of 9 Swan Close.

Internal living conditions

9. The basement of the proposed dwelling would contain a lounge with kitchen and a bedroom. However, neither room would have any windows openings. This would result in wholly unacceptable internal living arrangements with no direct daylight or sunlight, a reliance on artificial light and no ventilation for this part of the house. The accommodation provided would therefore fall some way short of the high standard of amenity for future users sought by the National Planning Policy Framework. This part of the scheme would not comply with Local Plan Policies 4 and 37 as it would not achieve a high standard of internal design or provide a healthy environment.

Other Matters

10. The Planning Practice Guidance on *Determining a Planning Application* advises that local planning authorities should make decisions as quickly as possible and the Framework refers to avoiding delays in decision-making. From the narrative provided by the Council, it is apparent that the application was held up in order to resolve concerns about highway safety in Leasons Hill. Even so, it was well over a year from the date the application was validated until the non-determination appeal was made.

11. In particular, it took from March 2021 until August 2021 for the delegated report to be finalised. Moreover, it is not clear whether the appellant was made aware in advance of the objections that the Council has ultimately raised. The Framework refers to the value of pre-application engagement and similar principles of good communication should be applied to the application process. However, the speed with which the Council acted and its approach are not decisive in the appeal, as the proposal has to be assessed against the development plan and other material considerations.
12. As part of the scheme, four on-street parking spaces would be provided along Leeson's Hill by excavating into the bank. Given the parking issues in the vicinity this would be beneficial. However, there is no evidence that these difficulties are so acute that they should be used to justify unsatisfactory development. This is especially as the elements that are objectionable could potentially be remedied.

Conclusion

13. The proposed development would harm the living conditions of the occupiers of 9 Swan Close and would provide unsatisfactory internal living conditions within the proposed rear dwelling. Whilst there would be no harm to the character and appearance of the area or to the occupiers of 118a Leeson's Hill, the proposal would not accord with the development plan. There are no other material considerations to outweigh that finding.
14. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR