



Appeal Decision

Site visit made on 8 March 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/G5180/W/21/3277445

33 Devonshire Road, London SE9 4QP

- 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 Christian Vincent against the Council of the London Borough of Bromley.
 - The application Ref 20/05063/FULL1, is dated 8 February 2021.
 - The development proposed is described on the application form as 'demolish existing 33 Devonshire Road three storey dwelling and erection of new No 6 flats (1 x 1 bedroom flat and 5 x 2 bedroom flat)'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal is against the Council's failure to determine application Ref 20/05063/FULL1 within the relevant statutory period. The Council has set out at appeal that had it been in a position to do so, it would have refused permission for the development proposed. The Council have provided clarity in terms of the reasons why it would have refused planning permission in its Statement of Case.
3. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This does not change the planning policy context in respect of the main issues.

Main Issues

4. From the evidence before me, I consider the main issues to be:
 - the effect of the proposed development on the character and appearance of the surrounding area, including the effect of the removal of trees;
 - the effect of the proposed development on the living conditions of adjoining occupants, having particular regard to outlook and privacy; and
 - the effect of the proposed development on the standard of accommodation for future occupants, having particular regard to daylight/sunlight and outlook.

Reasons

Character and Appearance

5. The appeal site comprises a two-storey detached period property with single storey garage set within a garden plot. The property is highly prominent, positioned to the end of Devonshire Road and visible from Mottingham Road. The gable end of the property can also be viewed from Dorset Road, Teign Mews and the footpath that runs alongside the site.
6. The prominence of the property is emphasised by its red brick construction which is markedly different from the majority of properties in the surrounding area. The position, scale and detailed design of the existing building, retaining much of its traditional character, contributes significantly to the streetscene of Devonshire Road and I agree with the Council that it has a landmark quality, albeit on a limited and local scale.
7. The proposed development includes the demolition of the existing building and its replacement with three two-storey blocks positioned further to the north of the site. This would result in the loss of an important piece of built form, which marks the termination of the street and would consequently weaken its historic layout. A car parking area and refuse/cycle storage would exist in the position of the current building. This arrangement would form an unattractive break in the streetscene and vista at the end of Devonshire Road.
8. The orientation and position of the proposed individual blocks, together with their detailed design, is such that the proposed development would fail to integrate acceptably with the surrounding area, forming an incongruous and discordant feature.
9. Moreover, the proposed development would result in the loss of several existing trees and shrubs within the site, some of which are mature. Within the context of the densely arranged urban grain of surrounding development, the presence of the trees here provides a welcome verdancy within the streetscape, visible from Devonshire Road, Mottingham Road and neighbouring properties. The collective value of those trees within the site makes a positive contribution to the appearance of the street.
10. There appears to be no proposal to provide replacement planting or trees at the site, beyond ground cover planting and grass in some small, select locations. Even were there to be more ambitious landscaping proposals, the inclusion of replacement trees within the proposed scheme would do little to ameliorate the impact of the loss, given that the size and number would not be comparable to the existing.
11. Within the Council's Statement of Case, it is considered that the property is of some heritage merit, with the conservation officer of the opinion that it forms a non-designated heritage asset.
12. As reasoned above, the proposed development would result in the complete loss of the existing property and non-designated heritage asset. The National Planning Policy Framework advises that applicants should be required to describe the significance of any heritage assets affected by development and the potential impact of the proposal on the significance. No such assessment is before me. Therefore, there is insufficient evidence for me to reach a

conclusion on the effect of the proposal on the significance of the non-designated heritage asset.

13. In conclusion, the proposed development would have a detrimental impact upon the character and appearance of the surrounding area and there would be loss of a non-designated heritage asset. In the absence of an assessment of the asset's significance, I am not in a position to consider the conflict between the asset's conservation and the proposal. The proposal is contrary to the relevant provisions of policies 4, 37 and 73 of the Bromley Local Plan, which in summary seek to achieve high quality design in development, and the aims of the National Planning Policy Framework (2021) in respect of good design and heritage assets.

Living Conditions

14. The nearest properties to the appeal site are 24, 26 and 31 Devonshire Road. The gardens of properties along Court Farm Road back onto the site.
15. Whilst no habitable side facing windows exist at No 24, the rear garden of this property and those adjacent, would be overlooked by the proposed development by reason of its height, position and the location of east-facing windows. Similarly, side facing windows would face directly onto the front of No 26. Even were these windows to be fitted with obscured glass to mitigate these impacts, this would consequently reduce the standard of accommodation to the occupants of the proposed dwellings to an unacceptable level.
16. Fewer windows exist to the rear elevation of the proposed development. For this reason, together with the reasonable separation distance between properties to the rear, I find that overlooking here would be to an acceptable level, acknowledging that there would undoubtedly be a change in relationship between the appeal site and its neighbours on Court Farm Road. Outlook from Court Farm Road properties would remain over their private rear gardens.
17. As the proposed development would be pulled away from No 31, there would be no unacceptable impact on living conditions here with regard to privacy or outlook.
18. Although I have found there to be no harm to the living conditions of some neighbouring properties as a result of the proposed development, it would harm the living conditions of the occupants of Nos 24 and 26, including their privacy and outlook. The overall harm outweighs any neutral effects here. The proposed development would therefore be contrary to the relevant provisions of Policy 37 which in summary seeks to ensure that new development respects the amenity of occupiers of neighbouring buildings.

Standard of Accommodation

19. Whilst the size and general layout of the proposed dwellings would be to an acceptable standard, the proposed amenity space would be cramped and unpleasant to use, particularly at first floor level where this is positioned between buildings. The 2 metre high screening proposed to protect the privacy of neighbouring properties is such that outlook from rooms which face onto these balcony areas would be severely comprised.
20. I have no evidence before me to confirm that the levels of daylight that units could receive is acceptable. However, given the proximity of the three blocks to

one another, side facing rooms would unlikely receive adequate levels of daylight.

21. For the above reasons, I conclude that the proposed development would have a harmful impact on the standard of accommodation of the future occupants, contrary to the relevant provisions of Policies 4 and 37 of the Bromley Local Plan, which in summary seek to ensure that new development is designed to a high quality.

Other Matters

22. I acknowledge that the development would result in the delivery of new housing in the Borough and that Bromley's Five Year Housing Land Supply is undersupplying. I also acknowledge that the proposed development would intensify the use of a small site and increase density in this Outer London location, as promoted by London Plan policies in broad terms. However, these benefits do not outweigh the harm that I have identified above. Neither the support in the development plan, nor Framework, for new housing is at the expense of ensuring good design and protecting heritage assets.

Conclusion

23. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant matters, I conclude that the appeal should be dismissed.

A Price

INSPECTOR