



Appeal Decision

Site visit made on 2 March 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 MARCH 2022

Appeal Ref: APP/G5180/W/21/3280910

95 Rye Crescent, Orpington BR5 4NH

- 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 Manik Rahman against the decision of the London Borough of Bromley.
 - The application Ref 21/01431/FULL1, dated 23 March 2021, was refused by notice dated 15 July 2021.
 - The development proposed is the erection of a two-storey dwelling attached to the existing property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the appeal property and the surrounding area.

Reasons

3. The appeal property forms half of a two-storey, T-shaped semi-detached pair of dwellings with rear gardens running parallel to Rye Crescent. The T-shaped building form is replicated throughout the local area, most commonly at junctions or corners. In the case of the appeal property, it fronts Rye Crescent and the attached dwelling fronts Plantation Drive. On the opposite side of Plantation Drive there is a second T-shaped building mirroring the appeal property. These 2 buildings form the central part of a series of 4 such T-shaped buildings defining this section of Rye Crescent. By virtue of their gardens, the 4 pairs are spaced apart creating a lower density of built development, but with a cadence of dwelling frontages unique to this part of the road.
4. Although there is a mix of different property types further along Rye Crescent, the setback position of the properties along a defined building line behind gardens, parking areas or public open space, means the road appears to have an open character at odds to the more suburban layout of surrounding roads. To this effect, Plantation Drive has a more homogenous appearance with semi-detached pairs regularly spaced along the length of the road, behind parking areas and with well proportioned gardens. At the crossroads at the opposite end of Plantation Drive, this character becomes less regular, with a mix of housing types, styles, and layouts.
5. The proposal would build a new 2 bed dwelling onto the front of the appeal property, reducing it from 3 to 2 beds and creating a short terrace facing

Plantation Drive. It is noted that the site location plan does not include the full original garden for the host dwelling and the proposal would further subdivide the remaining section into two, with a new parking area to the rear for the new dwelling. The proposed new dwelling would be positioned beyond the established building line along Rye Crescent.

6. The Bromley Local Plan (2019) (Local Plan) policy 37 seeks to ensure a high standard of design and layout for all new development and policy 4 sets out the requirements for new housing development design. Both policies require new development to complement the qualities of its surroundings including matters relating to scale, proportion, form, and layout. Policy 8 specifically deals with side space within residential developments requiring a minimum provision of 1 metre. The exception to this is where higher standards of separation already exist and then the proposed side space should be more generous.
7. The appeal property's location at the centre of this less developed part of Rye Crescent would mean that the position of the proposed new dwelling would not be consistent with the established layout. It would also unbalance the existing symmetry of the buildings flanking the Plantation Drive junction. By re-orientating the dwellings, the proposal would replace a front elevation with a side elevation, altering the form and pattern of development and visually and physically reducing the road's open character. The side elevation of the proposed new dwelling would be set 1 metre away from the boundary with Rye Crescent. This would be out of character because along Rye Crescent and Plantation Drive properties predominantly have more generous side space provision. It is therefore considered that the proposal would harm the character and appearance of the surrounding area.
8. The proposal would have a hipped roof which would provide an awkward extension to the existing T-shaped gable roof and would add additional bulk to the building form which would be out of keeping with its surroundings. The loss of the existing front garden facing Rye Crescent and the sub-division of the already reduced side/rear garden would harm the setting of the appeal property as well as creating disproportionately small plot sizes. The proposal would therefore be at odds with the general character of the appeal property and surrounding area.
9. 2 Plantation Drive (APP/G5180/W/15/3129026) has been identified as an example of a similar development. No 2 is located on the crossroads at the opposite end of Plantation Drive where housing types and layout are less defined. The additional dwelling there also replicated the existing housing type more closely, better balancing the original T-shaped building. In addition, development was approved under a previous local plan. It is therefore considered that the additional dwelling at No 2 has no bearing on my conclusions in this appeal.
10. The main parties have referred to London Plan (2021) policies H2 and D6 with reference to well-designed new homes on small sites and private amenity space. They have also noted that the proposal would be compliant with internal and outdoor space standards, and highway safety. Although taken into consideration, these factors do not alter my findings.
11. During the application process interested parties had raised concerns relating to the living conditions of occupants of adjacent properties, property values,

and the future uses of the proposal. As I am dismissing the appeal for other reasons, I have not pursued these matters further.

12. In conclusion, therefore, the proposal would harm the character and appearance of the appeal property and the surrounding area. This would be contrary to Local Plan Policies 4, 8 and 37, as set out above.

Planning Balance and Conclusion

13. The Council cannot demonstrate a 5-year housing supply, confirming that it currently stands at 3.31 years. This is considered a significant undersupply and it is necessary for me to apply paragraph 11 of the National Planning Policy Framework (2021) (the Framework).
14. I appreciate that the provision of a single 2 bed dwelling would contribute to reducing the current housing shortfall of the Borough, but this would be moderate as its provision would require the reduction in size of an existing well-appointed property. No other benefits to the scheme have been identified. I have found, however, significant harm in relation to the character and appearance of the appeal property and the surrounding area, and it is considered this would significantly and demonstrably outweigh the benefits of the scheme.
15. The planning balance is therefore not in favour of the appeal scheme. It does not comply with the development plan as a whole nor the approach in the Framework, and there are no other material considerations that would indicate a contrary decision. The appeal is therefore dismissed.

RJ Redford

INSPECTOR