



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/21/3278452

Land fronting Shepperton Road, Petts Wood BR5 1BD

- 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 Terry Willis against the decision of the London Borough of Bromley.
 - The application Ref 21/01183/FULL1, dated 11 March 2021, was refused by notice dated 10 June 2021.
 - The development proposed is the erection of detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council took its decision and the appeal was made, the National Planning Policy Framework (the Framework) was revised in July 2021. The sections pertinent to this appeal have not materially altered and I will therefore reference the revised version in my decision.
3. It is noted that Policy D8 of the London Plan (2021) was included in error within the Council's reason for refusal. I have, therefore, disregarded this policy within this decision.

Main Issue

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

Reasons

5. The appeal site is situated to the rear of 76-80 Crescent Drive and 73-77 Nightingale Road and faces onto Shepperton Road. It is located within a suburban residential area known as the Morrell Estate. This part of the estate is defined by the crescent shaped road layout of Nightingale Road and Crescent Drive. Mainly two-storey semi-detached properties face onto these roads, and they are separated by a wide verdant band of gardens, a key characteristic of this part of the estate. Shepperton Road is one of the linear roads linking both Nightingale Road and Crescent Drive to the wider area, and in the main, is bordered by rear gardens. Once the linking roads extend beyond the crescent road layout, houses begin to line them.
6. The main parties confirm that the appeal site originally formed part of the rear gardens of Nos 76-80 but has been separated from them for some years. The site is laid to grass and is enclosed by wooden fencing, with two panels

removed to allow access from Shepperton Road. Along the shared boundary with Nos 73-77 and to the rear of the site there is a group of trees protected by Tree Preservation Order.

7. The proposed new dwelling follows several schemes for residential development in this location, which were considered at appeal (APP/G5180/W/14/2227765, APP/G5180/W/16/3158964 and APP/G5180/W/18/3204347). However, this proposal appears to differ in that there would be a reduction in the height of the proposed dwelling. Since these decisions were made, the Council has adopted the London Borough of Bromley Local Plan (2019) (Local Plan).
8. Local Plan Policy 37 sets out the expectation for a high standard of design in new developments. Policy 4 expands on this for residential developments, requiring respect of local character, spatial standards, physical context, and density. Policy 3 specifies the criteria for new development on backland or garden plots, and seeks to protect the character, appearance, and context of an area.
9. The proposed dwelling would create a physical break in the otherwise uninterrupted openness that the band of gardens create within the planned layout of the Morrell Estate. This would harm the character and appearance of this part of Shepperton Road, which predominantly comprises garden boundaries, and would alter the planned form of the crescent road layout.
10. Examples of other infill bungalows within the area were viewed during the site visit. In all cases, the considerations for the sites differed to that which is before me. They were either smaller dwellings, conversions, or located next to rear service roads within the street layout which create purposeful breaks in the expanses of rear gardens. This latter point is specifically relevant for the property at 71 Shepperton Road, positioned opposite the site. In all cases, it is noted that they were permitted prior to the adoption of the Local Plan. My attention has also been drawn to an appeal relating to 15 Woodland Way (APP/G5180/W/20/3256521). However, this does not alter my findings as it is materially different both in form and location to the proposal before me.
11. The potential of an outbuilding, incidental to residential purposes, being erected under permitted development is also noted. However, on review of the information before me, I am unable to confirm that the site is associated with an adjacent residential dwelling. On visiting the site, the physical separation of the site from 80 Crescent Drive would appear to replicate that already considered within appeal decision APP/G5180/X/19/3242690 (appeal 3242690), which relates to the refusal of a proposed lawful development certificate for an outbuilding. Without evidence to the contrary, I am unable to consider that the proposed outbuilding, as a fallback position, would be anything other than theoretical. Notwithstanding this, the outbuilding in appeal 3242690 is materially different in footprint and height to the proposed dwelling in front of me. The appellant's references to 64 Great Thrift and the Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314 judgement, in relation to permitted development, are also noted. In this instance, however, the proposed fallback position does not alter my findings.
12. It is noted that the site is well located for a new dwelling, that the proposal would not harm the amenity of neighbouring and future occupants, or effect highway safety or the protected trees. However, these matters do not outweigh the harm to the character and appearance of the surrounding area.

13. The appellant has referenced several policies from the Local Plan and the London Plan as well as various parts of the Framework. I have had regard to these, but they do not mediate the harm found.
14. I therefore conclude that the proposed development would harm the character and appearance of the surrounding area and would be contrary to Local Plan policies 3, 4 and 37, as set out above.

Planning Balance and Conclusion

15. As set out in the Council's statement of case, the Council cannot demonstrate a 5-year housing supply. The Council state they have 3.99 years supply as of November 2021. This is a significant undersupply. As such, it is necessary for me to apply paragraph 11 of the Framework.
16. I appreciate that the provision of a single dwelling would contribute to reducing the current housing shortfall of the Borough, by delivering a housing unit on a small site, and this would attract significant weight. Both the Framework and Policy H2 of the London Plan (2021) recognise that small sites can make an important contribution towards meeting housing requirements. No other benefits of the proposed development have been identified. I have, however, found substantial harm in relation to the character and appearance of the surrounding area, and this would significantly and demonstrably outweigh the benefits of the scheme.
17. 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