



Appeal Decision

Site visit made on 2 March 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 MARCH 2022

Appeal Ref: APP/G5180/W/21/3277373

7 New Street Hill, Bromley BR1 5AU

- 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 Sekeroglu against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/00936/FULL1, dated 26 February 2021, was refused by notice dated 2 June 2021.
 - The development proposed is for the erection of an attached three bedroomed house with associated parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an attached three bedroomed house with associated parking spaces at 7 New Street Hill, Bromley BR1 5AU in accordance with the terms of the application, Ref DC/21/00936/FULL1, dated 26 February 2021, subject to the conditions set out in the attached Schedule.

Main Issue

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

Reasons

3. Located within the Links estate, 7 New Street Hill currently comprises a two storey, semi-detached dwellinghouse. While it fronts onto New Street Hill it also sits in a corner plot and as such Ridgeway Drive runs along its side boundary. No 7 is part of a wider row of two pairs of semi-detached houses on this side of New Street Hill. Further to the west and beyond these houses, a commercial car sales building also exists. Across New Street Hill and to the opposite side of No 7, rows of terraced houses can be found. Ridgeway Drive predominantly features two storey semi-detached houses within its street scene.
4. The proposed development seeks to demolish the existing single storey side extension and detached garage at No 7 and replace these with a two-storey side extension to No 7. This side extension would form a 3-bedroom house, creating a short terrace of houses. The proposed front and rear walls would align with the front and rear walls of No 7 and the proportions, footprint, and architectural design would broadly follow No 7.
5. The proposed development's design would match the proportions and appearance of No 7 and its attached neighbour at 5 New Street Hill. A

comfortable separation to the side boundary is also proposed. This separation would ensure the development proposal would not appear cramped. The existing width and symmetry of the semi-detached houses of No 5 and No 7 would be lost as they would become terrace properties. However, the surrounding area comprises a diverse mix of buildings such as terraced houses on the opposite side of the road, semi-detached houses in Ridgeway Drive and commercial buildings within the wider locality. This variation allows for more diversity within the street scene.

6. The proposed development would sit in a corner location with increased prominence and the site does taper to the rear. However, considering the design of the development proposal which takes its cues from No 5 and No 7, the proposed spacing to the side and broader mix in the street scene, the development proposal would be sympathetic to the existing rhythm, symmetry and character and appearance of the area.
7. The proposed development would be sympathetic to the character and appearance of the area. Accordingly, I find no conflict with the relevant provisions of Policies 4 and 37 of the Local Plan which, amongst other things, seek to ensure that development is sympathetic to the character and appearance of the area.
8. The parties have referred to Policy 8 of the Local Plan, Policies D4 and D6 of the London Plan 2021, Bromley's Supplementary Planning Guidance 2004, sections of the Mayor's Housing Supplementary Planning Guidance 2016, paragraphs of the National Planning Policy Framework (the Framework) and the National Design Guide in the appeal documentation. These have been quoted as they seek, amongst other things, to protect the established character, appearance and spatial standards which characterise the areas and while I have considered these, I have not found the development proposal to conflict with them.

Other Matters

9. Interested parties have raised concerns in respect to highway safety, noise, pollution, landscaping, property values and drainage. While the proposed development creates a new vehicular access from New Street Hill, the Council's Highways Officer raised no objection to the proposal from a highways perspective. In addition, I have imposed a condition for a Construction and Environmental Management Plan which, amongst other things, would provide appropriate management of the construction traffic.
10. I have also included a condition which requires surface water drainage details to be agreed with the Council. Noise and pollution is controlled under Environmental Health regimes. The drawings also show that existing fences would be retained to the boundaries. In respect to property values, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property cannot be a material consideration¹. Therefore, the impact on property values has no bearing on my decision.

¹ Planning Practice Guidance Reference ID: 21b-008-20140306

Conditions

11. The Council has provided a list of suggested conditions and I have assessed these regarding the advice provided in the Planning Practice Guidance (the PPG) on conditions². I have amended the wording of some conditions and merged others for clarity. Conditions 1 and 2 are required in the interests of certainty. Conditions 3 and 8 are necessary to ensure that the development is in keeping with the character and appearance of the area and maintains highway safety. It is also necessary for condition 3 to be a pre-commencement condition. Conditions 4 and 5 are necessary to ensure that the development is in keeping with the character and appearance of the area. Condition 6 is required to ensure appropriate surface water drainage and Condition 7 is required for the provision of refuse storage and bicycle parking facilities.
12. Paragraph 54 of the Framework states that planning conditions should not be used to restrict Permitted Development (PD) rights unless there is clear justification to do so. The PPG³ also advises that conditions restricting the future exercise of PD rights may not pass the test of reasonableness or necessity. In the absence of a rationale from the Council for the removal of PD rights, I have not included the Council's suggested condition removing PD rights in the schedule of conditions below. I have also not applied the Council's suggested Secured by Design condition as no specific evidence has been provided regarding the necessity of this condition.

Conclusion

13. For the above reasons, having regard to the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal should succeed subject to the conditions in the attached schedule.

N Praine

INSPECTOR

² Paragraph: 21a-003-20190723

³ Paragraph: 21a-017-20190723

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: 2018_01-00 Revision B - Site Location and Block Plan, 2018_02-00 Revision B - Proposed Floor Plans, 2018_02-01 Revision B - Proposed Floor Plans, 2018_02-03 Revision B - Proposed Roof Plan, 2018_02-05 Revision B - Proposed Dropped Kerb Plan Cycle and Refuse Details, 2018_02-02 Revision B - Proposed Elevations, 2018_02-08 Revision B - Proposed Elevations, 2018_02-07 Revision B - Proposed Elevation and Section.
- 3) No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum the plan shall cover:
 - (a) Dust mitigation and management measures.
 - (b) The location and operation of plant.
 - (c) Measure to reduce demolition and construction noise.
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following: -
 - (i) Rationalise travel and traffic routes to and from the site as well as within the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works.
 - (v) Parking for operatives during construction period.
 - (vi) Swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation.
 - (f) Other site-specific highways and environmental protection issues as requested on a case-by-case basis.
 - (g) Wash-down facilities for cleaning the wheels of vehicles and removal of any accumulation of mud from the highway.
 - (h) The development shall be undertaken in full accordance with the details approved under Parts a-g.
- 4) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving, where appropriate, shall be submitted to

and approved in writing by the Local Planning Authority. Once approved and prior to first occupation, the scheme shall be implemented and retained in full accordance with the approved details.

- 5) Prior to commencement of above ground works, details of both the permeable vehicle hardstanding / access drive and details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Any lighting shall be self-certified to accord with BS 5489 - 1:2003. Once approved and prior to first occupation, the schemes shall be implemented and retained in full accordance with the approved details and maintained for the use of the occupiers of, and visitors to, 7 New Street Hill.
- 6) Prior to commencement of above ground works, details of the drainage system for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide:
 - (a) An assessment of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.
 - (b) Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water.
 - (c) Details to prevent the discharge of surface water from private land on to the highway.

Once approved the details will be completed prior to occupation of the development hereby approved and retained in accordance with the approved details.

- 7) Prior to construction of any above ground works, details of arrangements for bicycle parking (including covered storage facilities where appropriate) and storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be completed prior to occupation of the development hereby approved and retained in accordance with the approved details.
- 8) No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.