



Appeal Decision

Site visit made on 18th February 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 11th April 2022

Appeal Ref: APP/G5180/W/21/3275256

21 Alexandra Road, Biggin Hill TN16 3NZ

- 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 Turnbull Land against the decision of the London Borough of Bromley.
 - The application Ref.DC/20/05175/FULL1, dated 18 December 2020, was refused by notice dated 31 March 2021.
 - The development proposed is the demolition of the existing bungalow and the erection of 3 x 3 bedroom terraced houses fronting Alexandra Road, and a pair of 3 bedroom semi-detached houses accessed via Flamborough Close, with associated access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed development on the character and appearance of the area and the effect on the living conditions of the occupants of 19A Alexandra Road in respect of outlook, light and privacy and the effect on the living conditions of the occupants of 27 Alexandra Road and the future occupants of the 5 new dwellings in respect of privacy.

Reasons

Character and appearance

3. The appeal site is located on a relatively modern housing estate within the built confines of the settlement of Biggin Hill. It is a rectangular residential plot comprising one unoccupied dwelling and garden. It has a frontage to Alexandra Road and the site rises quite steeply up to Flamborough Close in a south-easterly direction where it also has a frontage. On Alexandra Road it is adjacent to no.19A and on the south west side it is adjacent to no.27. Both are semi-detached bungalows. At Flamborough Close, it has no.11 on its south eastern side, which is a two storey dwelling. Two storey houses such as no.11 on the north side of Flamborough Close sit below the road and only their first floor elevations and roofs present onto the streetscene. The proposed 2 semi-detached dwellings, which I refer to below, would be lower than the road level owing to the topography of the site. On the opposite side of the Close housing is denser with terraces three storeys high.

4. The area in which the appeal site is located is predominantly residential with terraced, semi-detached and detached properties including property with accommodation in the roof space.
5. The proposal is to demolish the existing bungalow and construct 3 two storey 3 bedroomed terrace houses with accommodation in the roof fronting Alexandra Road with on-site parking in a front forecourt, and, a pair of two storey 3 bedroomed semi-detached dwellings fronting Flamborough Close, also with on-site parking on a front forecourt.
6. In respect of the Alexandra Road proposed terraced dwellings, in spite of the varied height of dwellings in the area bungalows and chalet bungalows predominate and the 3 terraced properties would appear starkly at odds with the streetscene. They would be noticeably higher than no.19A and no.27 - the ridge heights of the 3 units would rise up north east to south west and the differences in heights compared to 19A and 27 would be broadly in the region of 3.8m. Furthermore, the division of the block into 3 units results in a narrow-fronted vertical emphasis for each unit which would draw further attention to the incongruity of the development. The materials used in the external surfaces and the set back of the block from no.27 would not materially reduce their prominence nor would the backdrop of rising developed vegetated land. They would be visually awkward in the streetscene and discordant.
7. I consider that there would be material harm to the Alexandra Road streetscene from the proposed Alexandra Road dwellings and they would conflict with policies 4 and 37 of the Bromley Local Plan (adopted 2019) 'BLP' which seek to protect the character and appearance of an area.
8. Turning to the proposed Flamborough Close dwellings, their roof design would have a very similar eaves level to the neighbouring dwelling (no.11) and the ridge line of the proposed semi-detached dwellings would not be materially higher than the ridge line of no.11. The proposed roof would not be overly bulky or dominant in the streetscene and it would not visually jar with the dwellings on the north side of Flamborough Close.
9. I conclude that the Flamborough Close proposed dwellings would not harm the character or appearance of the streetscene. They would not be contrary to policies 4 and 37 of the Bromley Local Plan.

Living conditions of Neighbours and Future Occupants of Proposed Dwellings

10. Policy 37 of the BLP seeks to protect residential occupiers from inappropriate development that would be unacceptably detrimental to their residential amenities.
11. No.19A Alexandra Road is a semi-detached bungalow with front and rear roof dormers. It has a low single detached garage built in its front land. Amongst other fenestration, it has a large window to a habitable room facing Alexandra Road and in its south-western flank wall it has a door and windows. The proposed 3 unit block would sit forward of its front building line bringing a change to outlook and natural light in comparison to the existing bungalow on site which is set back towards the middle of the plot. However, there would be a reasonable separation distance between the flank walls which I consider to be an acceptable flank-to-flank relationship which would not cause an unacceptable

sense of enclosure or undue loss of light for the occupants of 19A. In respect of light continuing to reach the front elevation windows, the front corner of the proposed nearest unit would not materially block light from that habitable room or from the front facing dormers because of the relative positioning between the two. I consider there would not be unacceptable loss of outlook or loss of light to no.19A Alexandra Road.

12. In respect of any potentially unacceptable overlooking between the rear elevations of the new dwellings on the appeal site itself, the separation distance would be in the region of 19m. The National Model Design Code indicates that such separation distances should generally be between 15m and 20m. I have considered the particular site and area characteristics including the topography and the potential for filtering views with boundary treatment and landscaping. I am satisfied that with a suitable landscaping condition the circa 19m separation would not lead to unacceptable loss of privacy for future occupants of the new development.
13. In respect of overlooking of the gardens or rear elevations of nos 19A and 27 Alexandra Road and no.11 Flamborough Close, all views from new windows in the proposed development would be ameliorated by being oblique rather than direct. In respect of the rear elevation and garden of no.27, the existing situation is that no.11 Flamborough Close and its garden is situated on higher ground directly behind it and I do not consider that any oblique views from the proposed new dwellings on Flamborough Close would be sufficient to warrant refusal of planning permission. Having been in the rear garden of the existing bungalow on my site visit, I do not consider that the overlooking of no.19A Alexandra Road would be materially worse than views available from the existing bungalow or its garden when it was occupied. Whilst the rear elevation of the new dwellings on Flamborough Close would be on higher land than no.19A and in particular its rear dormer window, any views would be oblique and at a sufficient separation distance to avoid unacceptable overlooking.
14. On the second main issue, I conclude that there would be no unacceptable loss of outlook or privacy or light to the future occupants of the proposed dwellings, or to the occupants of 11 Flamborough Close or nos 27 and 19A Alexandra Road. There would be no breach of policy 37 of the BLP in relation to residential amenity.

Balancing Considerations

15. Paragraph 11 of the National Planning Policy Framework is relevant to the appeal. It indicates that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites the policies which are most important for determining the appeal are to be treated as out-of-date, and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. That 'tilted' balance approach applies in this case.
16. There would be benefits from granting permission in this appeal. There would be use of underused and unkempt land which would bring a net 4 new dwellings to the housing stock. Needing to optimise and boost residential development opportunities particularly in London and on small sites and by small site builders where appropriate are recognised objectives in local and national policy.

Furthermore, I have noted that the 5 year housing land supply figure is agreed at 3.31 years supply and so has a shortfall of about 1.69 years. There would also be economic growth emanating from the construction and use and occupation of the dwellings. In this case there could also be ecological benefits from new planting and landscaping on the site as part of the development.

17. However, taking the benefits together, they do not clearly or demonstrably outweigh the harm I have identified to the character and appearance of the Alexandra Road streetscene. In coming to this view I have borne in mind the other findings in this decision which do not identify harm. I have taken into account the previously-approved residential redevelopment scheme on land including the appeal site, of which I have noted the particular details and design. I have also borne in mind that there would be some good sustainability credentials in terms of the potential for some future residents avoiding use of the private car. None of those factors change the outturn of the tilted balance which I have applied. I am also of the view, applying s.38(6) of the Planning and Compulsory Purchase Act 2004, that the proposal would not be in accordance with the statutory development plan and that material considerations do not indicate that planning permission should be granted in the face of that non-accordance.

Conclusion

18. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas Q.C.

INSPECTOR