



Appeal Decision

Site visit made on 6 September 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/G5180/W/22/3291795

33 Chalk Pit Avenue, Orpington BR5 3JJ

- 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 Mufy Aro against the decision of London Borough of Bromley.
 - The application Ref DC/21/02752/FULL1, dated 1 June 2021, was refused by notice dated 22 November 2021.
 - The development proposed is described as a small 3 bedroom residential bungalow facing Augustine Road in front of the existing house on 33 Chalk Pit Avenue. It will have a single car park and its main entrance on Augustine Road. The ground floor will consist of a living room, a bedroom, a kitchen and a stairway to the loft which consists of two ample spaced bedrooms, a landing and storage space, and two WCs. The proposal also benefits from a back and front garden, a refuge area, and bicycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area,
 - whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to the provision of internal space, light and outlook, and
 - the effect of the proposed development on the living conditions of the occupiers of the host dwelling.

Reasons

Character and Appearance

3. The appeal site is occupied by a single storey detached dwelling located on a prominent corner plot between Chalk Pit Avenue and Augustine Road. The surrounding area is residential in nature with open fields to the rear of the site. The host dwelling has a large and open garden to the side of the dwelling, adjacent to Augustine Road, which is partially screened from public view by large trees on the boundary. However, this space helps to connect the built form of the residential area to the more rural open fields to the rear of the site and has a positive impact on the character and appearance of the area.

4. The proposed dwelling would be set back from the front elevation of the host dwelling, creating a transition between the built form and open land, with a narrow front elevation intended to reduce the impact of the development on the streetscene. However, although a small area would remain on the site to be used for parking and as a garden, the proposed dwelling would occupy a large proportion of the plot. This would result in the loss of the current open space on this prominent corner plot location, to the detriment of the character and appearance of the area. Furthermore, the proximity of the proposed dwelling to the boundaries of the site and the host property would result in a development which appears overly cramped and shoehorned into this small and restricted site and therefore an incongruous addition within the streetscene.
5. The existing trees along the boundary of the property would provide some screening to the proposed development. However, due to the size of the proposed dwelling and the necessary gaps in the trees required for access, the proposed development would still be partially visible from the public realm. Therefore, this screening would not fully mitigate the harmful impact of the proposed development on the streetscene and the wider area.
6. The proposed dwelling would also include dormer windows on the side elevation facing Augustine Road. Although relatively modest in size, such a feature is not commonplace in the surrounding area, particularly on an elevation with such high visibility from the public realm and prominence within the streetscene. Therefore, this design feature would add to the incongruous nature of the proposed development.
7. The appellant has indicated that design conditions could be secured to mitigate any impact. However, no further information has been given as to how the design could be amended to lessen the impact of the proposed development on the character and appearance of the area and I do not consider that a condition would help mitigate the harm I have identified.
8. Consequently, the proposed development would harm the character and appearance of the host dwelling and the surrounding area and would conflict with Policies 4 and 37 of the London Borough of Bromley Local Plan (2019). These policies seek to ensure that new development achieves a high standard of design and layout whilst positively contributing to the existing streetscene, recognising as well as complimenting the qualities of the surrounding area.

Living Conditions – Proposed Dwelling

9. Policy D6 of The London Plan (2021) states that the minimum floor to ceiling height must be 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling. Both the Council and the appellant have stated that the proposed dwelling would not meet this requirement. Although the proposed dwelling would provide a sufficient floorspace for a 3 bedroom, 5 person dwelling, in accordance with the minimum space standards, the low ceiling height would create an oppressive internal environment for the future occupiers. It is noted that the height of the building may have been compromised to lessen the impact of the proposed dwelling on the living conditions of neighbouring occupiers. However, this would not outweigh the requirement to provide satisfactory living conditions for the future occupiers of the proposed dwelling.

10. The elevation of the proposed dwelling facing Augustine Road would be in relatively close proximity to the boundary of the appeal site which is lined with large trees. There would be several ground floor windows on this elevation facing the existing trees which, due to their proximity to the trees, would have a reduced outlook from and light received to the rooms which they serve. However, as gaps in the existing tree coverage are required for pedestrian and vehicle access onto Augustine Road, this would allow a sufficient level of outlook from and light to these windows to provide adequate living conditions for the occupiers of the proposed dwelling.
11. The proposed dwelling would also be located in close proximity to the host dwelling at 33 Chalk Pit Avenue. There would be one proposed window on the elevation facing No 33, serving the living room. Due to the close proximity to the host dwelling, outlook from this window and the light which it receives would be somewhat restricted. However, this room would be dual aspect with a second window on the opposite elevation also serving the living room. This window would ensure a satisfactory outlook and light to the occupiers when using the living room.
12. Nevertheless, due to the inadequate ceiling heights, the proposed development would not provide satisfactory living conditions for the future occupiers and would conflict with Policy 4 of the London Borough of Bromley Local Plan (2019) and Policy D6 of The London Plan (2021). These policies require new dwellings to comply with minimum space standards, providing adequately sized rooms which are fit for purpose.

Living Conditions – Host Dwelling

13. The appellant and Council have indicated that the proposed dwelling would be separated from the host dwelling at 33 Chalk Pit Avenue by approximately 1.9 metres. Whilst this level of separation between dwellings may be commonplace within the surrounding area, the host dwelling currently has several windows on the side elevation which face the side garden and currently offer a good outlook to its occupiers. The proposed development would largely block this outlook and would result in a harmful sense of enclosure for the occupiers of No.33 when using the rooms served by these windows. The proximity of the proposed dwelling would also restrict the levels of light which these windows receive.
14. The proposed dwelling would also project a significant distance beyond the rear elevation of No 33 and would be adjacent to a large proportion of the rear garden at this neighbouring property. Due to the height of the dwelling and its proximity to the boundary the proposed dwelling would also result in a significant sense of enclosure for the occupiers of No 33 when using their rear garden.
15. Therefore, the proposal would result in adverse harm the living conditions of the occupiers of the host dwelling, contrary to Policy 37 of the London Borough of Bromley Local Plan (2019). This policy seeks to ensure new development respects the amenity of occupiers of neighbouring buildings by ensuring they are not harmed by inadequate daylight, sunlight or by overshadowing.

Other Matters

16. The Council have confirmed that they are not able to demonstrate a five year supply of deliverable housing, with only a 3.99 year supply recorded in November 2021. This would be a significant shortfall and therefore, on this basis, the test in paragraph 11(d) of the National Planning Policy Framework (the Framework) should be applied.
17. The development would add to the overall housing land supply and makes a small contribution to the Government's objective of significantly boosting the supply of homes, with an additional family home in a sustainable location. However, the benefits derived from an individual dwelling would be limited and therefore this carries limited weight. Therefore, even though there is a significant shortfall in the housing land supply, given the harm I have identified, the adverse impact of granting planning permission would significantly and demonstrably outweigh the limited benefits of one dwelling when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.
18. The appellant has highlighted a similar proposal at 44 Chalk Pit Avenue, where planning permission¹ was granted for a detached dwelling in September 2017. However, although a more modern design has been used compared to the surrounding properties, this development assimilates well with the existing building line and does not appear cramped within the plot. Therefore, it is not directly comparable to the appeal proposal before me and does not set a precedent.
19. The appellant has highlighted that the proposed development is not located within a Conservation Area and that the host dwelling is not a listed building. However, these are neutral factors which would not alter the overall outcome of this appeal.

Conclusion

20. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR

¹ DC/17/03177/FULL1