
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: 29 September 2022

Appeal Ref: APP/G5180/W/22/3290635

89 Gates Green Road, West Wickham BR4 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr N Jarvis against the decision of the London Borough of Bromley.
 - The application Ref DC/21/02787/OUT, dated 3 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is the division of existing land and construction of new 2-bedroom detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application which is the subject of this appeal was made as an outline application with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. As such I have considered the appeal on this basis and any submitted plans relating to these reserved matters have been considered solely on the basis that they have been submitted for illustrative purposes.
3. This application and subsequent appeal follows the refusal of a previous application¹ for a three-bedroom dwelling on the same site. The appellant has stated that this amended proposal is intended to mitigate the concerns highlighted in the previous refusal. However, I have considered this proposal on its own merits.

Main Issues

4. The main issues are the impact of the proposed development on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the occupiers of the neighbouring dwellings.

Reasons

Character and Appearance

5. The appeal site is formed of part of the rear garden belonging to the dwelling at 89 Gates Green Road and is occupied by a small garage outbuilding, a temporary container and vehicle access onto Hartfield Road. The surrounding

¹ 21/00319/OUT (the previous application)

area is residential in nature with the neighbouring properties comprised of a mix of bungalows and two-storey dwellings that are set back from the road with relatively large rear gardens. These are set out in a linear fashion. Apart from the host dwelling, which has been re-orientated, no other properties face this particular section of Hartfield Road, with the streetscene largely made up of rear gardens, small outbuildings and boundary fences. This provides a spacious rear garden environment and provides a boundary between the dwellings on Gates Green Road and Harvest Bank Road, which has a positive impact on the character and appearance of this suburban area.

6. The existing garden at 89 Gates Green Road would be subdivided to create a second residential plot to accommodate a two-bedroom detached dwelling fronting Hartfield Road. The appellant has indicated that the footprint of the proposed dwelling in the illustrative plans would only occupy 26% of the new plot and 12.5% of the existing garden. However, even though it may meet the necessary space standards, a detached dwelling on a plot of this size would be closer to the boundaries and appear more cramped than the existing plots in the surrounding area. This would result in a dwelling with a shoehorned appearance which would be overly prominent and incongruous within the streetscene.
7. Furthermore, the presence of an isolated dwelling in this rear garden environment, where there is currently no other dwellings, would be at odds with the current pattern of development in this area. It would result in the loss of the gap to the rear of the existing properties to the detriment of the character and appearance of the existing spacious streetscene where there is limited built form.
8. Consequently, for the reasons set out above, the proposed development would adversely harm the character and appearance of the surrounding area and would therefore conflict with the relevant sections of Policies 3, 4 and 37 of the London Borough of Bromley Local Plan (2019) and Policies D3 and D4 of The London Plan (2021). These policies collectively seek to ensure that new development positively responds to local distinctiveness, respects local character, spatial standards, physical context and density. Contributing positively to the existing streetscene with garden land development only considered acceptable if there is no unacceptable impact upon the character, appearance and context of an area with a high standard of separation. It would also conflict with the general design objectives of the National Planning Policy Framework.
9. The proposed development would also conflict with the No.1 General Design Principles Supplementary Planning Guidance (2004) and No.2 Residential Design Guidance Supplementary Planning Guidance (2004). These Supplementary Planning Guidance documents state that new development should respect the character and appearance of the site and the wider streetscene and that good urban design should understand the local and wider context of development, showing respect for its positive local attributes.

Living Conditions

10. Details relating to the design of the dwelling, including scale and layout, are reserved for future consideration. However, due to its location, a dwelling on the appeal site would be well separated from the neighbouring dwellings both on Gates Green Road and Harvest Bank Road. This would ensure that the

proposed building would not result in a sense of enclosure or appear significantly overbearing to the occupiers of these neighbouring dwellings. As demonstrated within the illustrative plans provided, overlooking into the neighbouring gardens and dwellings could be avoided by the careful positioning of windows and use of obscure glazing for non-habitable rooms. Furthermore, I do not consider that the noise generated from the activities associated with an additional dwelling would be significantly more than what is generated from its current use as a domestic rear garden and garage.

11. Therefore, the proposed development would not harm the living conditions of the occupiers of the neighbouring dwellings and would not conflict with the relevant section of Policy 37 of the London Borough of Bromley Local Plan (2019). This policy seeks to ensure that new development respects the amenity of occupiers of neighbouring buildings.

Other Matters

12. 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.
13. The development would add to the overall housing land supply and would make a small contribution to the Government's objective of significantly boosting the supply of homes, providing 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.
14. The appellant has highlighted a number of developments which they state set a precedent for the proposal. These include, a 2 bedroom 2-storey dwelling to the rear of 220 Wickham Road, a 2 bedroom single storey dwelling to the rear of 69 Shirley Way and 3 bedroom 2-storey dwelling to the rear of 1 The Lees. These developments are all located within a neighbouring borough. No details have been provided regarding the development to the rear of 220 Wickham Road, however, a photo showing the development to the rear of 69 Shirley Way and the plan of the development to the rear of 1 The Lees have been submitted as part of this appeal. These show that the existing pattern of development surrounding these properties is vastly different from that surrounding the appeal site before me and are more in keeping with the existing built form.
15. A dwelling in the rear garden of Montagu, Keston Road and a pair of dwellings on Princes Way have also been brought to my attention, which are both located within the same borough as the appeal site. However, again, the setting and area surrounding these developments is different to the circumstances before me. With the development to the rear of Montagu in keeping with the pattern of existing development on Lakes Road and the site on Princes Way much larger than the appeal site. Therefore, as none of these examples are directly

comparable to the appeal site before me, they do not set a precedent for the proposed development.

16. Permitted development rights have also been highlighted, stating that the host dwelling could be extended within 7 metres of the boundary and an outbuilding could be constructed which covers 50% of the site. However, as the proposal is for a new dwelling on a separate plot, permitted development rights are not relevant in this instance and are not a guide for what is acceptable in terms of spatial standards for development proposals requiring planning permission.
17. The appellant has stated that no objections have been received regarding drainage, highways and environmental health, in relation to the proposed development. However, this is a neutral factor in my consideration of the appeal which would not outweigh the harm found. Furthermore, comments regarding the Council's assessment of the application by the appellant would not alter the planning merits of the proposal or the conclusions which I have reached.

Conclusion

18. Although the proposal would not harm the living conditions of the occupiers of the neighbouring dwellings, it would unacceptably harm the character and appearance of the surrounding area. 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