



Appeal Decision

Site visit made on 12 October 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH October 2022

Appeal Ref: APP/G5180/W/21/3282591

16 Barham Close, Bromley BR2 8LU

- 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 Mrs Amanda Chrisford against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/02196/FULL1, dated 24 March 2021, was refused by notice dated 16 August 2021.
 - The development proposed is erection of 2 bedroom detached house.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The grounds of appeal set out how changes to the design of the proposed house have sought to address the concerns of the Inspector who dismissed a previous appeal relating to a proposed three bedroom dwelling on the same site. However, that decision was made in 1998. Whilst it is still a material consideration, it is important to take account of changes in local and national policy which have taken place since that time. It is also necessary to take into account changes in scientific knowledge, in particular in relation to climate change and flood risk.

Main issues

3. The main issues are the effects of the proposal on:
 - the character and appearance of the area;
 - the living conditions of neighbouring residents; and
 - risks of flooding.

Reasons

Character and appearance

4. The appeal relates to a semi-detached property which occupies a corner plot, at a point where there is a bend in Barham Close. The proposal is for a detached dwelling within the rear garden, with access directly from Barham Close, in the same area as an existing garage and garden shed. Barham Close is mainly comprised of semi-detached properties grouped around a cul-de-sac. The houses are set well back from the road, with open landscaped frontages. Garages are mainly single storey, with flat roofs, allowing views between the

houses to trees and vegetation to the rear. These features of the layout result in an attractive and spacious character.

5. To the south of the appeal property there is a group of smaller houses (Kingsmead Cottages) that were built as elderly persons accommodation. These houses have a different character, being terraced and set closer to the road. They also have much smaller rear gardens, backing on to a large commercial building.
6. Since the previous appeal, No 16 has been significantly extended with a single storey side extension, a conservatory to the rear and a large rear-facing roof extension. The roof extension has replaced most of the previous roof slope, such that the rear elevation of the original house now reads as a three storey structure. Due to the corner location of the property, this three storey elevation is a prominent feature in views from Barham Close.
7. The proposal seeks to reflect the design of Kingsmead Cottages. It would be built to a similar building line, with a catslide roof and hipped dormer window facing the road. Whilst this would be a positive feature of the design, it would not resolve the unsatisfactory relationship that would be created between the proposed house and the host dwelling. The limited space between the flank wall of the proposed house and the three storey elevation described above would result in a cramped and awkward relationship that would be at odds with the spacious character of the close. This poor relationship would be very evident in views from Barham Close.
8. The appellant drew attention to an annex that has been provided within the curtilage of No 11 Barham Close. However, the annex in question was created by converting an existing flat roofed garage. I saw that the conversion has been achieved with minimal impact on the character and appearance of the area. It is not comparable with the appeal scheme.
9. I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with Policy 3 of the Bromley Local Plan, which states that new residential development on garden land will only be accepted where there is no unacceptable impact on the character and appearance of the area. It would also conflict with Policies 4 and 37 of the Bromley Local Plan and Policies D3, D6 and H2 of the London Plan which together seek to promote high quality design which responds to local distinctiveness.

Living conditions of neighbouring residents

10. The back of the proposed house would face towards the side garden boundary of No 15 Barham Close at a distance of around 5m. There would be a wide rear-facing dormer window at first floor level, resulting in overlooking of the private garden area of No 15 at close range. Although views of the rear windows of No 15 would be angled, they would be sufficiently close to cause a material loss of privacy within the neighbouring dwelling.
11. Overall, I consider that there would be an unacceptable impact on the living conditions of the neighbouring residents. The proposal would conflict with Policies 3 and 37 of the Bromley Local Plan, and Policy D3 of the London Plan, which together seek to protect residential amenity and require that development should avoid unacceptable loss of privacy.

Risks of flooding

12. The Environment Agency (EA) objects to the grant of planning permission on the grounds that flood risk has not been adequately assessed. The EA advises that any flood risk assessment for the appeal site would need to consider the requirements of Flood Zone 3, which is land with a high probability of flooding during the lifetime of the development¹. This is confirmed by the flood map submitted by the Council. Planning Practice Guidance states that “*more vulnerable*” development, which includes housing, should only be permitted in Flood Zone 3 if an exception test can be met².
13. Moreover, the EA comments that the proposal should not reduce space for flood water. This means that some form of floodplain compensation is likely to be required. Although there are no details before me on these matters, it is hard to see how floodplain compensation could be achieved on such a restricted site area. In addition, the EA states that the proposal should take account of flood resistance and resilience measures, to mitigate risks of flooding for future occupiers.
14. I attach significant weight to the advice of the EA on these matters. The appellant has not provided any contrary evidence. In particular, the appellant has not addressed the requirements of the National Planning Policy Framework (the Framework) in relation to flood risk. I conclude that the proposal would be at an unacceptable risk of flooding and would increase flood risks elsewhere, due to a lack of floodplain compensation. The scope and complexity of these concerns are such that they cannot, in my view, be resolved through the imposition of planning conditions.
15. The proposal would be contrary to Policy 115 of the Bromley Local Plan, which seeks to reduce flood risk, including by avoiding inappropriate development in relation to flood risk. It would also be contrary to Policy SI 12 of the London Plan, which seeks to minimise and mitigate flood risk. It would be contrary to the Framework, which seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk.

Other matters

16. The Council argues that the proposal would not provide adequate outdoor amenity space. I note that the proposal is for a two bedroom property which could be used for family occupation. No space standards for garden space specific to Bromley have been drawn to my attention. From what I saw on site, I consider that the proposal would create a small but useable area of private garden space. This is not a matter that weights against the appeal.
17. The appeal scheme would make a modest contribution to the supply of housing in Bromley. This is a benefit of the proposal. The Council accepts that it cannot demonstrate the five year supply of housing sites required by the Framework. In these circumstances, the approach to decision making set out in paragraph 11(d) is engaged. Whilst the Framework seeks to boost the supply of housing, it also contains policies that emphasise the importance of good design, the need to create places with a high standard of amenity and the need to manage flood risk. To my mind, the adverse impacts of granting planning permission

¹ Table 2, Reference ID: 7-079-20220825

² The exception test is set out at paragraph 164 of the National Planning Policy Framework

would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

18. For the reasons given above, the proposal would be contrary to the development plan. I have not identified any considerations that indicate a decision other than in accordance with the plan. Accordingly, the appeal should be dismissed.

David Prentis

Inspector