



Appeal Decision

Site visit made on 4 October 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/G5180/W/22/3291291

62 Braemar Gardens, West Wickham BR4 0JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Taylor against London Borough of Bromley Council.
 - The application Ref 21/04046/FULL1, is dated 9 September 2021.
 - The development proposed is demolition of two storey side extension and erection of an attached 4 bed, one and two storey dwellinghouse (with accommodation in the roofspace), together with associated landscaping, bin store, cycle store, and off-street frontage parking from existing vehicular access in Braemar Gardens.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Context and Main Issues

2. The appeal was made prior to the Council's determination of the application. In its appeal statement, the Council states that it would have refused planning permission. Although the Council's second putative reason for refusal refers to harm to occupiers of 26-38 (evens) Ravenswood Crescent (Nos 26-38), its statement also refers to harm to 35 Ravenswood Crescent (No 35).
3. Therefore, the main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of Nos 26-38 and No 35, with regard to outlook.

Reasons

Character and appearance:

4. The area is a suburban residential area characterised by semi-detached dwellings, detached dwellings and short terraces of four. Each display their own uniformity of design features and, within each typology, most dwellings display consistency in terms of the key design features. The semi-detached dwellings feature distinctive frontages with catslide roofs in an inverted 'w-shaped' formation. Detached and terraced dwellings are more traditionally designed, being 2-storey buildings with hipped roofs and bay windows.
5. Most dwellings on Braemar Road are semi-detached and, beyond the distinctive frontage feature, many have been extended. At my site visit I noted that some had been significantly extended, resulting in a degree of imbalance in some pairs; nevertheless, in each case the symmetrical frontage feature has been retained.

6. The appeal site is located on the corner of Braemar Road and Ravenswood Crescent and is highly visible in the street scene from both roads. It is a semi-detached dwelling which has been extended at the side and rear. Despite a degree of imbalance between the appeal site and its attached neighbour¹, the pair of houses retains its distinctive frontage feature, and the existing side extension appears as a subservient addition. Existing rear extensions, which include a large roof extension, are prominent and bulky. The adjoining dwelling has also been extended at roof level, but not at the same scale.
7. The proposed development would add a third dwelling to the existing pair, following removal of the existing side-extension. It follows an earlier appeal for a new dwelling on the appeal site², which incorporated an additional side extension. That scheme also related to a proposed dwelling set down at a lower level than the existing semi-detached pair. Although the Inspector did not find harm with respect to some elements of that development, it was concluded that the overall amount of development on the site would be detrimental to the visual and spacious qualities of the area.
8. Despite the removal of the previously proposed single storey side element, the floor level and height of the proposed dwelling has been increased, such that it would be on an equal footing with the existing pair. I have seen no local precedent for such a design. At the front it would disrupt the established pattern of development in the area, and would not accord with the key characteristics for semi-detached or terraced dwellings.
9. The side and rear of the first floor and roof levels of the appeal property is highly visible in the street scene from Ravenswood Crescent. It is also seen in the same views as other semi-detached dwellings of the same typology. The proposed development would replicate the extensive development at the rear at ground and first floors, and at roof level. Being at the same height as the existing pair, and in combination with the existing extended dwelling, the proposal would be unduly prominent in terms of its height and form in the street scene, and would be overly dominant. The cumulative visual effects of extensive development at first floor and roof level across the original pair and the proposed dwelling would therefore contrast sharply with the prevailing character of the area.
10. In conclusion, the development would harm the character and appearance of the area. It would be contrary to the relevant provisions of London Borough of Bromley Local Plan 2019 (BLP) Policies 4 and 37, which together require a high standard of design which positively contributes to the existing street scene, respecting local character and physical context. It would also conflict with the guidance in Supplementary Planning Guidance 1 and 2 (SPG 1 and 2), which seeks good design which respects the character of its locality, and Chapter 12 of the National Planning Policy Framework (the Framework) which seeks to achieve well-designed places. The Council also referred to policies of the London Plan 2021 (LP), which are relevant to this development only in as much as they seek to achieve good design.

¹ 60 Braemar Gardens

² APP/G5180/W/20/3262769

Living conditions

11. Nos 26-38 are located on the opposite side of Ravenswood Crescent, facing the side of the appeal site. No 35 is on the same side as the appeal site, and adjoins its rear. Ravenswood Crescent is a tree lined avenue with footways and grass verges containing street trees on each side.
12. Although there may once have been another, there is only one mature street tree along the boundary with the appeal site and its canopy is raised well above street level. As a consequence, the side of the appeal site is prominent in views from dwellings opposite. However, there would be a significant separation distance between the proposed development and the front elevations of Nos 26-38. The proposed development would therefore not be dominant or overbearing when viewed from these properties.
13. From No 35, the rear of the proposed development would be visible from the front garden, as it would be from the street at that point. From the house itself two first floor windows face the appeal site, but the main windows face the front and rear and the separation distance between the proposed development and No 35 would be sufficient. From the rear garden there would be only limited views of the proposed development, seen within the context of vegetation in the gardens of No 35 and 60 Braemar Gardens. Therefore, despite the extensive development proposed, and its cumulative effects with the existing dwelling, the development would not be unduly overbearing or oppressive. Overall, there would not be unacceptable harm to outlook from No 35.
14. Therefore, I conclude that the proposal would not have a harmful effect on the living conditions of occupiers of Nos 26-38 and 35 Ravenswood Crescent, with regard to outlook. The proposal would accord with the relevant provisions of BLP Policies 4 and 37, which require a high standard of design which respects local character and physical context, and complement the scale of adjacent buildings and areas. It would also not conflict with the guidance in SPG1 and SPG2 and Chapter 12 of the Framework which seeks to achieve well-designed places. The Council also referred to policies of the London Plan 2021 (LP), which are relevant to this development only in as much as they seek to achieve good design.

Other Matters

15. The Council states it cannot demonstrate a 5 year Housing Land Supply (HLS), with a HLS of only 3.99 years, which engages Paragraph 11(d)(ii) of the Framework.
16. The Framework acknowledges that small and medium sites can make an important contribution, and can often be built out relatively quickly. The appellant considers the appeal site is under-utilised land and the proposal would make effective use of land. The new development would also meet current building standards and, subject to a suitable planning condition, would be built to accessible and adaptable standards³. However, the proposed development of one dwelling would make only a small contribution to meeting the shortfall, and the site has a low PTAL⁴ rating of 2.

³ Part M4(2) of the Building Regulations.

⁴ Public Transport Accessibility Level.

17. Nevertheless, the Framework also states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It expects planning policies and decisions to ensure developments add to the overall quality of the area, are sympathetic to local character, and maintain a strong sense of place.

Planning Balance and Conclusion

18. As set out above, the proposal attracts some weight in favour of the development, including a small contribution towards increasing housing supply. However, given the modest scale of the development proposed, the positive weight attributable to it is limited.
19. Although there would be no harm to the living conditions of occupiers of 26-38 and 35 Ravenswood Crescent, with regard to outlook, the harm I identify to the character and appearance of the area, and the consequential conflict with policies of the development plan and the Framework, weigh significantly against the proposed development.
20. The adverse impacts of the proposed development would therefore significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.
21. For the reasons above, having regard to the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude the appeal is dismissed.

Peter White

INSPECTOR