



Appeal Decision

Site visit made on 19 October 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/G5180/W/22/3300757

32 Bourne Road, Bromley BR2 9NS

- 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 Mr Nelson Ridley against the decision of London Borough of Bromley Council.
 - The application Ref DC/22/00684/FULL1, dated 10 February 2022, was refused by notice dated 20 May 2022.
 - The development proposed is a new build 1 bed property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the development on: (i) the character and appearance of the area; (ii) highway safety, with particular regard to parking; (iii) living conditions of future occupiers of the development, with regard to private outside space; and (iv) the living conditions of neighbouring occupiers, with regard to privacy and the acoustic environment.

Reasons

Character and appearance

1. The site is located in a residential area characterised by terraced houses displaying general uniformity of design. Brick or rendered buildings display vertically proportioned features and chimneys on narrow plots, with gardens at the rear. There is some variation of design features, but generally within the same design typology. The appeal site is the rear part of the curtilage of 32 Bourne Road (No 32), which is in use as two flats. It currently contains garages accessed from Elliot Road, an outbuilding, and part of the residential garden. The appeal site sits at the end of the adjoining terrace on Elliot Road, which is representative of the traditional character of the area, and the garages follow the established building line.
2. The proposed building would be a shorter, horizontally proportioned, building with a shallow roof and without the traditional detailing found on other buildings. As a consequence, it would stand in sharp contrast to the adjacent terrace, and other buildings in the area, and would conflict with the established character of the area. Although, in the same street block, a narrow detached dwelling stands at the end of a terrace on Jaffrey Road, the vertical proportions, similar height, and traditional detailing of that building closely

reflect those of the surrounding character. I have therefore seen no precedent for a building of the style and proportions proposed.

3. The appeal site is also significantly smaller than the prevailing scale of residential plots, and the proposed development would substantially fill it, leaving very little external space. It would stand forward of the established building line and would have no rear garden. The first-floor terrace with full height obscure-glazed screens would also be an incongruous feature in this area. The detached building on Jaffrey Road was the only other small plot I saw, and that dwelling appeared to benefit from an element of outside space at the side and front of the building, being set back further, and behind a close boarded fence. The proposed development would therefore bear very little resemblance to the existing character of the area and would set a harmful precedent for future developments.
4. The proposed development would therefore harm the character and appearance of the area and would conflict with The London Plan 2021 (TLP) Policy D3 and Bromley Local Plan 2019 (BLP) Policies 3, 4, 8 and 37, which together seek high standards of design which complement the surrounding area. In its reason for refusal the Council also referred to other policies with which I have found no conflict.

Highway safety

5. The appeal site is located some distance from Bromley Town Centre in an area of relatively poor transport accessibility¹. It is also within a controlled parking zone (CPZ) and interested parties advise of difficulties parking in the area, although no parking stress survey has been submitted with the proposal. At the time of my site visit, Elliot Road, and the surrounding roads, were heavily parked, but there were still some on-street parking spaces available.
6. The development would result in the loss of two existing garages and would increase the number of housing units by one dwelling. The appellant advises that the garages are too small, and are not used for car parking, although it appeared to me that one could be as the existing plans show it is significantly wider internally. In any case, the removal of the garages and reinstatement of the kerb would facilitate at least one additional on-street parking space. With the information before me, it therefore appears that there would be no net change in parking provision relating to the loss of the garages.
7. However, no additional provision would be made for occupiers of the proposed dwelling, and I note the objection of the highways officer. I also note the Council's concern that the consequences of under provision could be inconvenience to other road users, detrimental impacts on the free flow of traffic, and general highway safety issues. Considering the evidence before me, including my site visit, I consider it is likely that that the development would exacerbate existing parking stress in the area.
8. The appellant's proposal, for CPZ parking permits to be issued if there was capacity or a condition restricting permits for 3 years if there wasn't, would not address the longer term parking needs of local residents, nor the poor accessibility of the appeal site to alternative means of transport. Even if I were

¹ PTAL 2.

to accept the principle of car free housing, neither the appellant nor the Council have provided a suitable mechanism for doing so.

9. The proposed development would therefore harm highway safety, with particular regard to parking, and would conflict with TLP Policy T4 and BLP Policy 32, which together require development which does not increase road danger.

Living conditions of future occupiers

10. The footprint of the proposed building would largely fill the plot, leaving narrow strips around the building. The proposed first floor terrace would meet the quantum of minimum private outside space area required by TLP Policy D6. However, the sense of enclosure of all these areas would be oppressive and would not provide sufficiently high-quality open space for future residents.
11. The proposed development would therefore be harmful to the living conditions of future occupiers of the development, with regard to private outside space. It would therefore conflict with TLP 2021 Policies D3 and D6 and BLP Policies 4 and 37, which together seek a high standards of design and minimum space standards for dwellings. In its reason for refusal the Council also referred to TLP 2021 Policy H2 with which I have found no conflict.

Living conditions of neighbouring occupiers

12. First-floor windows are proposed at the front of the dwelling, facing the street. Elsewhere obscure-glazed screens and rooflights would prevent unacceptable overlooking of neighbouring properties.
13. The first-floor terrace would be sited in very close proximity to the rear first-floor windows of the adjacent dwellings and its use is likely to result in disturbance to neighbouring residents.
14. The proposed development would therefore harm the living conditions of neighbouring occupiers, with regard to privacy and the acoustic environment. It would therefore conflict with TLP Policies D3 and D6 and BLP 2019 Policies 4 and 37, which together seek a high quality design which respects the amenity of neighbouring occupiers in relation noise, disturbance and privacy.

Other Matters

15. The Council can demonstrate a housing land supply of only 3.99 years, and paragraph 11d)ii of the National Planning Policy Framework therefore applies.
16. One additional dwelling would make a small contribution towards increasing housing supply, and addressing the shortfall, albeit in an area of relatively poor public transport accessibility. Although the Framework seeks to significantly boost the supply of homes, it also aims to achieve well-designed places. The harm I identify above in relation to the main issues would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Conclusion

17. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that would suggest a decision other than in

accordance with the development plan would be appropriate, and the appeal should therefore be dismissed.

Peter White

INSPECTOR