



Appeal Decision

Site visit made on 25 October 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 NOVEMBER 2022

Appeal Ref: APP/G5180/W/22/3296033

154 Sevenoaks Way, Orpington, BR5 3AE

- 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 Ashview Homes Ltd against the decision of London Borough of Bromley.
 - The application Ref DC/21/04844/FULL1, dated 30 September 2021, was refused by notice dated 15 March 2022.
 - The development proposed is Demolition of existing, single storey side extension and construction of 3no. bungalows with access from Sevenoaks Way.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Ashview Homes Ltd against the Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a semi-detached house located on a part of Sevenoaks Way which is characterised by a mixture of semi-detached houses and detached bungalows. Properties on this stretch of the road are arranged in a discernible building line and set back from the road behind front driveways. The appeal property has an unusually large rear garden which extends beyond the gardens of its neighbouring properties to the south. To the west and the north, the rear garden shares boundaries with the gardens of bungalows fronting Vernon Close and Pleasance Road. A public footpath abuts a section of the site's southern boundary, providing a pedestrian connection between Sevenoaks Way and Vernon Close. Whilst some of the surrounding properties have single-storey outbuildings within their rear gardens, there is no example of backland residential development in the immediate vicinity of the appeal site.
5. The three bungalows would be located within the rear, wider portion of the "donor" property's garden. When viewed in isolation, the design, scale and bulk of each individual bungalow is comparable to the other bungalows on neighbouring streets. However, the layout of the bungalows would be awkward, with one positioned at a right angle, with its front elevation angled towards the

others. Whilst the size of the plots and rear gardens may be comparable to other sites in the area, their irregular and wide, shallow layouts do not reflect the more regular and linear spatial quality of plots within the local area. Similarly, due to the proximity of the building footprints to each other, the layout of the new dwellings would create a cramped form of development which is indicative of overdevelopment.

6. Due to their backland location, the bungalows would not have a presence within any street frontage. The corner of the rear elevation of the nearest bungalow would be very close to the site's southern boundary with the footpath which runs alongside it, and its side elevation would adjoin the rear garden boundary of properties fronting Sevenoaks Way. Whilst this would not have an unacceptable impact on the living conditions of any neighbouring occupiers, buildings positioned in such proximity to their garden boundaries is not a characteristic of the area. As a consequence, I find that the bungalow would be 'squeezed' onto the site in a manner that would appear cramped.
7. I note that existing garden fruit trees would be lost. However, the Council's Tree Officer has confirmed that valuable trees that have public amenity would not be removed. Overall, the removal of existing trees would not be harmful to the character of the area, and the development presents an opportunity to plant new trees. However, it would also introduce a significant amount of hardstanding which would cover a substantial area of the plot and would be out of keeping with the prevailing character of the area. I find that the extent of hardstanding coverage is also indicative of the overdevelopment that I have identified.
8. The design of the dwellings would promote sustainability and reduce energy consumption, whilst adopting inclusive design. It has been put to me that the appeal proposals would also make an efficient use of the site. However, the development plan is explicit that backland development will only be permitted if it responds positively to the character of the area. I have found that this would not be the case.
9. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it would conflict with Policies 3, 4 and 37 of the Bromley Local Plan (2019) (BLP). Amongst other aspects, these policies seek to secure development of a high standard of design which positively contributes to the existing character, appearance and context of the area.

Other Matters

10. The National Planning Policy Framework (2021) (Framework) seeks to significantly boost housing supply and indicates that substantial weight should be given to the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would contribute to the local housing supply and would represent a more efficient use of land in an existing urban area with access to public transport and services.
11. I acknowledge that residential development in this location is acceptable in principle and the proposal may be compliant with various other provisions of the development plan. I have also found no harm in relation to any matters other than the impact on the character and appearance of the area. I am satisfied that no harm would arise to archaeological interests subject to the

two-stage condition recommended by the Historical England advisor. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weight in favour of the proposal.

Conclusion and Planning Balance

12. The parties agree that the Council cannot demonstrate a 5 year supply of housing. Therefore paragraph 11(d) of the Framework applies. As the site is not within a protected area or asset of particular importance paragraph 11(d)(i) is not relevant to the appeal. However, the test in paragraph 11(d)(ii) should be applied. This requires an assessment of the proposal against the policies in the Framework taken as a whole.
13. The Framework expects development to be visually attractive as a result of good layout whilst maintaining a strong sense of place using the arrangement of streets to create attractive, welcoming and distinctive places to live. Policies 3, 4 and 37 of the BLP are therefore consistent with the Framework. Even taking into account the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be afforded great weight or substantial weight.
14. Set against the harm identified there would be limited benefits associated with the proposal, such as its sustainable location. Also, an additional three units, whilst beneficial, would make a modest contribution to the overall delivery of housing. Therefore, the adverse impacts on the character and appearance of the area that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
15. The proposal would not conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR