



Appeal Decision

Site visit made on 14 September 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 NOVEMBER 2022

Appeal Ref: APP/G5180/W/22/3294139

Land at Grangewood Lane, Beckenham BR3 1NT

- 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 Paul Baker against the decision of the Council for the London Borough of Bromley.
 - The application Ref DC/21/03112/FULL1, dated 18 June 2021, was refused by notice dated 17 November 2021.
 - The development proposed is construction of a detached single storey 2 bedroom dwellinghouse with associated car parking, landscaping and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a detached single storey 2 bedroom dwellinghouse with associated car parking, landscaping and refuse storage at land at Grangewood Lane, Beckenham BR3 1NT in accordance with the terms of the application, Ref DC/21/03112/FULL1, dated 18 June 2021, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. 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 the occupiers of neighbouring dwellings.

Reasons

Character and Appearance

3. The appeal site comprises a narrow strip of land to the rear of existing gardens situated at the end of Grangewood Lane, an unadopted lane accessed from Copers Cope Road. Along Copers Cope Road, dwellings are largely traditional in scale and appearance, typically rising two to three storeys. Street trees and a continuous grass verge, combined with considerable front and rear gardens, give the street a spacious and verdant feel. Development along Grangewood Lane and in the immediate vicinity of the site is more recent however. Either side of the site, on Avery Close and Century Way, the existing dwellings are contemporary, albeit with traditional styling. They are two and a half storeys in height, set out in detached, semi-detached and terraced arrangements. Plots are generally modestly sized with commensurate garden space and driveways to the front or side. To the rear the site is bordered by railway land.
4. The appeal site has been largely cleared, save for residual vegetation and two small brick walls. There also remains a small metal frame structure at the

front. The shape and size of the site is similar to some adjacent plots along Century Way, albeit its orientation is perpendicular to them. Due to its set back location, it does not contribute considerably to the street scene along Copers Cope Road. In views down the lane and in the setting of adjacent dwellings however, the site features as a narrow unkept parcel of land. Its openness is terminated by the brick wall and vegetation along the railway boundary.

5. The planning site history indicates the proposed development has been refined through various design iterations. In its current form, its design represents a unique and considered response to the considerable site constraints. While it would fill the width of the site, the proposal would retain space to the front and rear, commensurate to the scale of the development and its urban setting. The proposed dwelling's muted finish and its modest frontage, massing, roof form, and overall height would appear subservient to its surrounding context. It would not appear unduly obtrusive in its setting but, instead, would form an imaginative and respectful addition to the character and appearance of the area.
6. In respect of this main issue, I therefore find that the proposal would not harm the character and appearance of the area. It is therefore in accordance with Policies 4 and 37 of the Bromley Local Plan¹ (the Local Plan), adopted January 2019, and Policies D3 and D6 of The Spatial Development Strategy for Greater London (the London Plan), adopted March 2021. These policies, amongst other things, seek to ensure such development is of a high standard of design, respects local character and appearance, complements adjacent buildings and areas, and positively contributes to the street scene while optimising site capacity. The proposal is also consistent with Section 12 of the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.

Living Conditions

7. The appeal site is enclosed on both sides by high walls and fencing serving as the rear boundaries of the adjacent gardens. From within the site, the enclosure along the boundary with 7 and 8 Avery Close is highest and topped by a timber trellis. The rear gardens of 15 to 17 Century Way are separated from the site by a narrow footpath providing rear access to the gardens, with the rear garden fences and trellis set back behind the boundary wall of the site.
8. Due to the slight angle to the boundary of 13 to 17 Century Way, the relationship between these neighbouring properties and the proposed dwelling would vary. No 17 would be closest with only a modest separation distance to the site boundary, though this distance increases towards No 13. I recognise these separation distances are shorter than most in the immediate area, however the context and scale of the development is not comparable. Due to the proposed dwelling's low height and extent to which it is sunken into the ground, it would not project considerably above neighbouring boundary fencing or trellis. Additional screening would also be provided by existing garden sheds.
9. Only the very top portion of the side elevation of the proposal would be partially visible through the trellis serving Nos 13 to 17, though the entirety of the roof would project above. The roof's shallow curved form and vegetation would considerably soften its presence however and would not appear

¹ Local Development Framework Local Plan London Borough of Bromley Planning Division January 2019

particularly intrusive. In views from these neighbouring gardens, it would also sit within the context of the existing development behind on Avery Close. Despite its proximity, the proposal would therefore not appear oppressive, overbearing or result in an undue sense of enclosure. As such, I find it would not unacceptably harm the outlook from these neighbouring properties.

10. On the opposite side of the site, both 7 and 8 Avery Close would benefit from greater separation distances from the proposed dwelling than 17 Century Way. The level of screening provided would also be greater, given the relative height of the rear boundary treatments, with only the roof of the proposed dwelling partly visible above the existing boundary wall and fence, through trellis. Tree planting in these gardens also provides an additional element of screening. The relationship with 2 Grangewood Lane would be oblique. The proposal would therefore also not unacceptably harm the outlook from these properties.
11. I acknowledge that the existing trellis, which would partly screen the proposal, could be removed. The same could also be said for any domestic boundary treatments not within the appellant's ownership. Due to the proposal's modest height however, I do not consider it would result in any considerable adverse sense of overbearing or enclosure for neighbouring occupiers, even if existing boundary treatments were removed or altered.
12. The Council acknowledge that the proposal would not result in any undue overshadowing of neighbouring properties. In light of my assessment above, I agree with this conclusion. Any artificial light associated with the proposed development would also be considerably screened from view by existing boundary treatments and there is no evidence to suggest it would be any more intense than could reasonably be expected in a residential area.
13. Concerns have been raised in respect of noise and disturbance from occupiers of the proposed dwelling. Given the small scale of the development however and its urban context, this would not be considerable or of a level to cause harm to the living conditions of neighbours. Disruption from construction activity, including noise, dust, traffic and other disturbance will be temporary and limited due to the small scale of the development. Construction activity can be managed through the implementation of a construction and environmental management plan. This can be secured by planning condition, to be agreed with the Council prior to commencement of development.
14. The proposed bin store provides a discrete enclosed area, set away from the site boundary, for refuse storage. Given the domestic scale and context of the development, there is no reason to believe this would result in any considerable adverse smells for neighbouring occupiers.
15. Concerns have also been raised in respect of a loss of privacy for neighbouring occupiers, including through maintenance of the roof of the proposal. Direct views towards neighbouring gardens and windows from the appeal site would be considerably screened by existing boundary treatment. The appellant advises the green roof may require attention once or twice a year. It is acknowledged access onto the roof would allow unimpeded views into neighbouring gardens. There is no evidence before me however to suggest this would be a regular occurrence or for any prolonged period. Any overlooking would be transient and comparable to that arising from maintenance being carried out to other roofs in the area.

16. In respect of this main issue, I therefore find that the proposal would not harm the living conditions of the occupiers of neighbouring properties. It is therefore in accordance with Policies 4 and 37 of the Bromley Local Plan and Policies D3 and D6 of the London Plan. These policies, amongst other things, seek to ensure developments respect the amenity of occupiers of neighbouring buildings. The proposal is also consistent with paragraph 130 of the Framework in respect of ensuring a high standard of amenity for existing users.

Other Matters

17. Concerns have been raised regarding the effect of noise from the proposed development, both during construction and once occupied, on a neighbouring occupier with a disability. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
18. I have found that the residential occupation of the site would not unduly harm the living conditions of neighbouring occupiers or give rise to considerable noise and disturbance, above that which may be expected in such urban settings. In terms of noise and disturbance during construction, this will be temporary and limited due to the small scale of the development and can be managed through the implementation of a construction and environmental management plan. I conclude the proposal would not be unduly harmful to the living conditions of this neighbouring occupier, with particular regard to their protected characteristics.
19. The Council has commented that the proposed amenity area would be confined, useability constrained, and overlooking of the appeal site could occur given the proximity of existing houses. Additional concerns have also been received regarding poor outlook and overshadowing for future occupiers.
20. While outlook from the proposed rear amenity space would be somewhat limited due to its small size and the height of boundary enclosures, it is commensurate with the modest size of the dwelling, is supplemented by additional space to the front, and the Council and appellant agree it complies with minimum space standards set out in the London Plan. Overlooking would be largely mitigated by the layout of the dwelling and boundary enclosures. The proposed dwelling itself is dual aspect with outlook to the front and rear, both of which would receive direct sunlight at times. An element of overshadowing from neighbouring dwellings and landscaping would occur, particularly when the sun is lower in the sky. However, I do not consider that this would amount to unacceptable living conditions for future occupiers. This also did not feature as a reason for refusal by the Council.
21. It is acknowledged the front door to the proposed dwelling is located down a narrow walkway. It would however remain visible from the lane, which itself benefits from natural surveillance. There is no evidence before me to indicate there would be an unacceptable safety and security risk for future occupiers. In terms of the safety and security of existing neighbouring occupiers, access to the roof of the proposed dwelling would be limited and the roof area would benefit from considerable natural surveillance being overlooked by adjacent

dwelling. The risk to the security of neighbouring properties would therefore be limited and comparable to the current situation.

22. In respect of matters of traffic, parking and highway safety, the scheme provides the requisite amount of off-street parking spaces in line with local requirements. The proposed turntable will allow vehicles to exit the site and travel back along the lane in a forward gear, and its retention and ongoing maintenance can be secured by planning condition. Refuse collection arrangements would be no different to those of existing dwellings along the lane. There is no evidence before me to indicate occasional visitor traffic would put considerable additional strain on Grangewood Lane or neighbouring roads, or otherwise give rise to highway safety concerns, particularly given the small scale of the proposal. Notably, the local highway authority has not objected and accordingly this did not form a reason for refusal by the Council.
23. I am satisfied matters in respect of details and maintenance of landscaping and surface water drainage details can be secured by planning condition.
24. The Council acknowledge they cannot currently demonstrate a five year housing land supply, and so there is a need for additional land for housing within the borough.
25. Concerns have been raised regarding the loss of trees and ecology impacts. The proposal is supported by a tree survey and tree constraints plan. There were no observable trees within the boundaries of the appeal site during my site visit, though there were elsewhere on Grangewood Lane and within neighbouring properties. The Council's tree officer has advised the trees recorded on the survey do not present a constraint to the proposal and tree protection would not be necessary. Notwithstanding this, the removal of unprotected trees within the appellant's ownership could occur irrespective of the outcome of this appeal. The provision of a green roof would be an ecological benefit.
26. Matters of land ownership, access for maintenance and the provisions of party wall legislation fall outside of the scope of the planning regime. Similarly, for this type of development, matters of fire safety and accessibility for fire appliances are a consideration for the building regulations. The footpath to the rear of adjacent dwellings on Century Way would be unaffected by the proposed development.
27. Reference has been made to the refusal of a neighbouring domestic extension as a means of providing further justification for the reason for refusal in this instance. The full details of that case are not before me however the context of the site is different, and each application must be considered on its own merits.

Conditions

28. The Council have suggested conditions should the appeal be successful. I have considered these and amended where necessary to accord with the national Planning Practice Guidance.
29. In addition to the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. Confirming details of finished site levels is also important in this case given the changes to site levels proposed, in the interests of the living conditions of neighbouring occupiers. External materials, including samples, need to be approved in the interests of the

character and appearance of the area. Hard and soft landscape works are also required to be agreed, and those works implemented and maintained, for the same reason.

30. The car turntable parking proposed is required to be implemented and thereafter maintained in accordance with the submitted plans prior to the occupation of the proposed dwelling, in the interests of highway safety. Details of surface water drainage are required to ensure surface water is effectively managed across the site and to avoid the risk of flooding.
31. I agree with the suggestion permitted development rights should be removed for domestic extensions, alterations and outbuildings. This will enable the local planning authority to control further development that may result in harm to the living conditions of neighbouring occupiers and those of future occupiers of the site, or the character and appearance of the area.
32. A construction and environmental management plan is required to be agreed in order to safeguard highway safety and the living conditions of occupiers of neighbouring properties during the construction process, in particular due to the constrained nature of the site. A scheme for protecting the proposed dwelling from noise from the adjacent railway is required in the interests of the living conditions of future occupiers, given the proximity of the railway line.
33. Details of bicycle parking are required to be agreed and implemented in accordance with Policy T5 of the London Plan and in the interests of reducing reliance on private car transport. Electric vehicle charging infrastructure is required in accordance with policy T6.1 of the London Plan and to minimise the effect of the development on air quality. Similarly, limitations on gas boiler emissions are required to minimise the effect of the development on local air quality, in accordance with policy SI 1 of the London Plan and on the advice of the Council's Environmental Health Pollution Officer. Compliance with part M4(2) of the Building Regulations 2010 is required in accordance with Policy D7 of the London Plan.

Conclusion

34. I have concluded that the proposed development would not result in material harm to the character and appearance of the area or the living conditions of the occupiers of neighbouring dwellings. I therefore find no conflict with the development plan, with which the development is in accordance with as a whole. There are no other matters before me that indicate a decision other than in accordance with the development plan would be appropriate. However, the Council cannot demonstrate a 5-year supply of housing and the undersupply is significant. The proposal therefore benefits from the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework. I have not identified any adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. For the reasons set out in detail above, I conclude that the appeal is allowed.

Ryan Cowley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing 628/OS1: Ordnance Survey 1:1250
 - Drawing 628/10: Proposed Block Plan
 - Drawing 628/11: Proposed Ground Floor Plan
 - Drawing 628/12: Proposed Roof Plan
 - Drawing 628/13: Proposed Front and Rear Elevations
 - Drawing 628/14: Proposed North Elevations
 - Drawing 628/15: Proposed South Elevations
 - Drawing 628/16: Proposed Sections AA and BB
 - Drawing 628/17: Proposed Sections CC and DD
 - Drawing 628/18: Proposed Sections 1:20
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall provide for:
 - (a) Measures to control the emission of dust and dirt during construction;
 - (b) The location and operation of plant and vehicle wheel washing facilities;
 - (c) Measures to reduce demolition and construction noise including proposed working hours;
 - (d) Details of construction traffic movements within the site and along Grangewood Lane including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalisation of construction travel and traffic routes,
 - (ii) Full details of the number and time of construction vehicle trips to and from the site,
 - (iii) Measures to deal with safe pedestrian movement,
 - (iv) Swept path drawings for any tight vehicle manoeuvres including proposed access and egress arrangements at the site boundary;
 - (e) Parking for operatives during construction period.

The development shall be undertaken in full accordance with the details approved under Parts a-e throughout the construction period for the development.
- 5) Construction work shall not take place until a scheme for protecting the proposed dwelling from noise from the adjacent railway shall have been submitted to and approved in writing by the local planning authority. All works

which form part of the scheme shall be completed before the dwelling is occupied and retained thereafter.

- 6) No development above finished ground floor level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 7) No development above finished ground floor level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - (a) A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home-grown stock (where possible) and no invasive species;
 - (b) Proposed hardstanding and boundary treatment;
 - (c) A schedule detailing sizes and numbers of all proposed trees/plants;
 - (d) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the local planning authority.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) No development above finished ground floor level shall take place until details of arrangements for bicycle parking (including covered storage facilities where appropriate) have been submitted to and approved in writing by the local planning authority. The bicycle parking arrangements shall thereafter be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 10) No development above finished ground floor level shall take place until details of electric vehicle charging infrastructure have been submitted to and approved in writing by the local planning authority. The electric vehicle charging infrastructure shall thereafter be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 11) Before the development is first occupied or brought into use, the car turntable parking indicated on Drawing 628/11: Proposed Ground Floor Plan shall be completed in accordance with the details hereby approved and thereafter shall be kept available for such use and permanently maintained. No further

development shall be carried out that may preclude vehicular access or use of the car turntable parking.

- 12) Before the development is first occupied or brought into use, surface water drainage works shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation; and,
 - c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 13) The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall thereafter be permanently retained as such.
- 14) In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.

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