



Appeal Decision

Site visit made on 25 October 2022

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2022

Appeal Ref: APP/G5180/W/22/3296844

2 Bromley Avenue, Bromley BR1 4BQ

- 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 Ian Dollamore, Urban Infill Ltd, against the decision of the Council for the London Borough of Bromley.
 - The application Ref DC/21/04122/FULL1, dated 12 August 2021, was refused by notice dated 8 April 2022.
 - The development proposed is described as "demolition of existing 2-storey dwelling house and construction of 3-storey building including accommodation in the roof space comprising of 5 apartment units with associated parking, amenity space & cycle storage for 14 bikes."
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing 2-storey dwelling house and construction of 3-storey building including accommodation in the roof space comprising of 5 apartment units with associated parking, amenity space & cycle storage for 14 bikes at 2 Bromley Avenue, Bromley BR1 4BQ in accordance with the terms of the application, Ref DC/21/04122/FULL1, dated 12 August 2021, subject to the conditions in the attached schedule.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area with specific regard to bulk, size and massing.

Reasons

4. The appeal site is currently occupied by a two-storey detached dwellinghouse located on the northern side of Bromley Avenue close to the junction with Grasmere Road. The surrounding area is residential with mainly detached and semi-detached properties occupying a verdant setting. There is an eclectic appearance to the built form in the area, with significant variation to the properties in terms of height, bulk, mass, detailing and materials providing an ad hoc character and appearance in the surrounds. Although the predominant feel is still one of low-density houses on Bromley Avenue, it was apparent on the site visit, that several plots in the surrounding area, particularly in

Grasmere Road to the east of the appeal site have been developed as flatted developments, and thus these form part of the character.

5. As set out in policy D3 of The London Plan, March 2021 (LP), there is a need to accommodate more intensive development on small sites in suburban locations whilst retaining the features that make those locations distinctive places in which to live. Given the varied nature of the character and appearance of Bromley Avenue and the surrounding area, it seems to me that there is scope for a development to be designed to optimise the capacity of this site more intensively.
6. The proposal would have a greater mass and bulk than the existing and neighbouring properties. However, the articulation and use of complementary materials on the front elevation and at roof level, would successfully break up its overall massing and bulk. The proposal has been designed with its third floor wholly contained within the roof, with eaves at a height commensurate for that of a 2-storey house, albeit with a staggered floorplate because of the sloping site. While the building would be larger than neighbouring dwellings, the layout, scale, and height would respect the domestic character and appearance of the area.
7. The Council have raised concerns with regard to the front dormers, and it is acknowledged that these are not a feature of the street. However, given their modest appearance in the roof, and the overall variation in building styles and forms in the area, in this context the scheme would conform to the general pattern of development in the road and would not appear unduly dominant or out of place.
8. With regard to its position in the plot and relationship with neighbouring buildings, the existing property is already set back from the street at an angle and the proposal would replicate this arrangement. Given the adequate degree of spacing around the proposal, it would not appear cramped. Whilst the forecourt would be used for off-street parking, many of the other properties in the vicinity also have large expanses of hardstanding to the front, albeit used less intensively. The forecourt would provide six off-street parking spaces, however the use of a green parking material along the road frontage, and provision of trees and shrubs to the side boundaries would soften the site views of the development and screen the parking area. These details are highlighted on the plans but are matters that can be subject of a condition, to allow for further detailed design.
9. The appeal proposal has incorporated references to the local vernacular of "Norman Shaw" and other locally styled buildings, and it would display distinctive features that characterise these examples. In applying these local features, the proposal would appear asymmetrical, with hipped roofs and overhanging bays. It is acknowledged that the scheme introduces the principle of a flatted scheme into Bromley Avenue, however the respectful design and use of local references provide a more domestic, dwelling like feel to the proposal, and it would be compatible in the surrounds. Overall, in terms of its design, size and height, the proposal has had regard to the scale of surrounding buildings and would appear as a large house, rather than a 'block' of flats and thus would conform to the general vernacular of development in the road.

10. The proposal would not therefore harm the character and appearance of the surrounding area. As such, it would accord with the principles of Policies 4 and 37 of the Bromley Local Plan 2019 (BLP) and the LP Policy D3 which amongst other things, requires all new development to be design led, be of high quality and compatible with development in the surrounding area. The proposal would also comply with Paragraph 130 c) of the National Planning Policy Framework 2021 (the Framework) insofar as it requires development to be sympathetic to local character.

Other Matters

11. I recognise that the proposal has generated considerable interest, with a significant number of consultation responses submitted in response to the planning application and further representations submitted at appeal. I have taken into account all of the other matters and concerns raised in the submissions by the Ravensbourne Valley Resident's' Association and other interested parties, which include; the need for development, harm to the living conditions of neighbouring occupants, inadequate living conditions for future occupiers of the proposed development, access, parking, traffic safety, construction disruption, noise, pollution, waste management, loss of greenery, drainage, the cumulative effect of development in the area, precedent, fire safety and accessibility.
12. In terms of need and the cumulative effect of this type of development, each scheme needs to be considered on its own merits and circumstances. Nevertheless, the Framework requires a significant boosting of the supply of homes and the LP emphasises the importance of small sites in meeting housing needs. As such the proposal would make a modest but valuable contribution to the provision of housing required by Bromley.
13. In respect to issues raised on the living conditions of surrounding properties, I have no reason to disagree with the Council, that the proposal would not cause harm to these living conditions of the existing residents in respect of matters such as outlook, privacy and light.
14. In regard to parking and traffic safety the scheme provides a suitable level of off-street parking and there are no parking restrictions in this section of Bromley Avenue. As such there is little substantive evidence to suggest that the effects of the development would make the existing parking levels materially worse or that the development would have a materially harmful effect on traffic or highway safety.
15. The Council consider the concerns relating to access, drainage, waste management, accessibility, construction disruption and impact on greenery can be mitigated through the use of conditions. I agree and have therefore included appropriate conditions.
16. In regard to the various other matters raised, including the living conditions for future occupiers of the proposed development, noise, pollution, precedent and fire safety, whilst I take these submissions seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Some of the issues raised can also be controlled through other regulations. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

17. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary for the sake of consistency, brevity, clarity and to ensure that they meet the tests in the Framework.
18. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for a Construction Method Statement which is necessary to submit prior to the approved development commencing. I have imposed a condition in respect to surface water drainage arrangements to reduce the risk of flooding and ensure that no additional pressure is placed on the existing drainage system. This condition incorporates the Council's other suggested condition in respect to avoiding surface water on the highway.
19. I have imposed conditions in respect to slab levels and a material specification condition in order to ensure an acceptable visual effect. I have also imposed conditions in order to ensure that there is appropriate refuse, recycling storage and cycle parking. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for sightlines, highway junction layout and off-street parking to be approved and provided prior to occupation and maintained thereafter. I have also added that electric charging points are delivered to enable the use of electric vehicles to achieve sustainability objectives.
20. I have imposed conditions on meeting Building Regulations M4(2) requirements in order to meet accessibility requirements and achieve high standards of accommodation. I have also attached a condition regarding the emissions of gas-fired boilers to ensure suitable air quality measures. I have not imposed the condition in respect to Non-Road Mobile Machinery (NRMM) and control of dust and emissions during construction and demolition as this can be covered within the Construction Method Statement secured under condition 3.
21. There is a need to protect existing trees during the construction phase, given their amenity value, and also to retain and enhance these upon completion of development. A pre-commencement condition is therefore necessary in this instance, and the condition I have imposed incorporates the requirements set out in the Council's other suggested condition relating to tree protection monitoring and supervision. There is also a need to provide soft treatments to the parking area and the site boundaries in order to protect the character and appearance of the area and I have attached the appropriate conditions.

Conclusion

22. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

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: 0534-PL-002 B; 0534-DE-201 B; 0534-DE-202 C 0534-PL-210 C; 0534-PL-211 B; 0534-PL-212 B; 0534-PL-213 B; 0534-PL-220 B; 0534-PL-221 A; 0534-PL-222 B; 0534-PL-223 B; 0534-PL-224 B; 0534-PL-225 B; 0534-PL-230 A and 0534-PL-231 0
- 3) No development shall take place, including any works of demolition and site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - (a) Dust mitigation and management measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Measures to reduce demolition and construction noise
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site as well as within the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works
 - (v) Parking for operatives during construction period
 - (vi) Swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation
 - (f) Other site specific Highways and Environmental Protection issues as requested on a case by case basisThe approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4)
 - (a) No development shall take place (excluding demolition) until a scheme for the provision of surface water drainage ensuring that surface water from private land shall not discharge on to the highway has been submitted to and approved in writing by the Local Planning Authority.
 - (b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for, disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved and thereafter retained and maintained.

- 5) No development shall take place (excluding demolition) until details of the proposed slab levels of the building and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.
- 6) No development shall take place (excluding demolition) until details / samples of the materials to be used in the construction of the external surfaces of the proposal hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details / samples.
- 7) No part of the development hereby permitted shall be occupied until details of arrangements for the refuse and recycling facilities and for bicycles to be parked (including covered storage facilities where appropriate) have been submitted to and approved in writing by the Local Planning Authority, and the refuse/recycling and bicycle stores have been constructed in accordance with the approved details, and permanently retained thereafter.
- 8) No part of the development hereby permitted shall be occupied until car parking spaces and turning spaces have been provided in accordance with drawing no. 0534-DE-202 C and thereafter shall be kept available at all times for such use and for no other purpose.
- 9) No part of the development hereby permitted shall be occupied until that part of a sight line of 43m x 2.4m x 43m which can be accommodated within the site has been provided in both directions and with the exception of trees selected by the Local Planning Authority, no obstruction to visibility shall exceed 1m in height in advance of this sight line, which shall be permanently retained as such.
- 10) No part of the development hereby permitted shall be occupied until electric car charging points are provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces and shall be retained permanently thereafter.
- 11) 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 be retained permanently thereafter.
- 12) 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.

- 13) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS include:
- a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) Details of construction within the RPA or that may impact on the retained trees.
 - d) A full specification for the installation of boundary treatment works.
 - e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) A specification for scaffolding and ground protection within tree protection zones.
 - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - k) Boundary treatments within the RPA
 - l) Methodology and detailed assessment of root pruning
 - m) Arboricultural supervision and inspection by a suitably qualified tree specialist
 - n) Reporting of inspection and supervision
 - o) Methods to improve the rooting environment for retained and proposed trees and landscaping
 - p) Veteran and ancient tree protection and management

The development thereafter shall be implemented in strict accordance with the approved details.

- 14) No development shall take place (excluding demolition) until details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
1. 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
 2. Proposed hardstanding and boundary treatment
 3. A schedule detailing sizes and numbers of all proposed trees/plants
 4. Sufficient specification to endure 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.

Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.