



Appeal Decision

Site visit made on 8 November 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/G5180/W/22/3291309

Land r/o 252 Main Road, Biggin Hill TN16 3JH

- 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 R Jarred against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/03873/FULL1, dated 28 July 2021, was refused by notice dated 12 January 2022.
 - The development proposed is conversion of existing outbuilding to provide one bedroom, 2 person dwelling with associated parking, amenity space cycle and bin storage with works proposed involving upgrading external appearance of building.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is a parcel of land to the rear of a detached dwelling, currently containing a domestic outbuilding. The existing building is a typical domestic garage and workshop, of basic brick construction with monopitch roof and an up and over garage door. It sits within a block of established housing, mainly consisting of detached dwellings fronting the perimeter roads, with long gardens to the rear.
4. The surrounding area is mainly residential, although there is a local centre providing shops and services nearby. Residential development fronting the road is the norm, although there is evidence of previous backland development in some locations.
5. Within the block defined by Main Road, Edward Road, Moselle Road and St Winifred's Road, there is a sense of spaciousness behind the perimeter development. Although a number of rear gardens contain outbuildings, there is not an established pattern of backland residential development. In several places, mature garden trees provide an attractive leafy backdrop to the existing dwellings, bringing their garden setting into the public realm.
6. Although public views of the proposed dwelling would be limited, the existing access driveway opens up views into the rear of the site and part of the existing garage is visible from Main Road. The appearance of the building would change from what is clearly an ancillary domestic outbuilding of low key and

subservient character, to an independent dwelling within its own residential curtilage.

7. While the building exists, and the elevational changes would be modest, they would nevertheless transform what is currently a very low key, ancillary structure, into a more substantial-looking and independently occupied dwelling. Although the surrounding land is already in residential use, the different functional requirements of a separate dwelling would be reflected in its more formally laid out residential curtilage. As such, the more intensive pattern of development would erode the garden setting to the rear of the existing built up frontage.
8. The proposed dwelling would have very limited space around three sides. I noted during my site visit that the narrow areas between the existing building and the side and rear site boundaries are currently dominated by boundary hedging and mature trees. Some of these appear to be within the appeal site while others are in adjacent gardens. While the larger trees make a positive contribution to the character of the area, as noted above, they also occupy much of the space around the building, making these narrow areas appear even more limited.
9. Although the parking area and courtyard garden may provide sufficient usable amenity land to support a one bedroom dwelling, the dwelling would nevertheless look cramped on its plot. This cramped layout would be inconsistent with the established pattern of development, in which dwellings have more generous garden land to both front and rear.
10. My attention has been drawn to two appeals considered in 2018¹, both concerning land to the rear of 238 Main Road. In that case, there was an established pattern of backland development, including two immediately adjacent bungalows permitted in 2004. Nonetheless, one of the two appeal proposals was dismissed due to its cramped layout. I further note that the permitted dwelling was considered to benefit from a more extensive residential curtilage, with usable space to both the front and rear.
11. In addition, the 2018 appeals pre-date the current development plan. Although I have noted the supporting text to Policy H7 of the earlier UDP², Policy H7 itself did not explicitly address backland development to the same extent as Policy 3 of the current Local Plan³. As such, there were a number of material differences in both the policy context and the site-specific circumstances before the 2018 Inspector. I have therefore given these appeal decisions limited weight.
12. A previous appeal at 14 Belvedere Road⁴ involved limited infilling to the side of an existing dwelling fronting the main road. It was considered in relation to policy for protection of the Green Belt, which does not apply in this case. As such, the circumstances and policy context have little in common with the proposed development and I have given this previous decision no weight.

¹ Appeal references APP/G5180/W/18/3193817 and APP/G5180/W/18/3193818

² London Borough of Bromley Unitary Development Plan, adopted July 2006

³ London Borough of Bromley Local Plan, adopted January 2019

⁴ Appeal reference APP/G5180/W/19/3220564

13. I conclude that the proposed development would introduce a more intensive and cramped form of development which would erode the established garden setting to the rear of existing dwellings to a harmful degree.
14. For the above reasons, the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy 3 of the Local Plan. This policy, amongst other things, requires that new residential development on backland or garden land does not unacceptably impact the character, appearance and context of the area and maintains a high standard of separation. The proposed development would also conflict with Policies 4 and 37 of the Local Plan which set out a range of design requirements for new development, including that new housing development should respect local character, physical context and density.
15. While the appellant suggests that the proposed development would be in accordance with Policy 10 of the Local Plan, Policy 10 was not identified as a relevant policy in the Council's Officer Report. Furthermore, the appellant confirms that Policy 10 relates to conversion of non-residential buildings to residential use. Since the existing building is a domestic garage, standing on land which is already in residential use, a policy relating to conversion of non-residential buildings is not relevant.

Other Matters

16. Evidence from both parties confirms that the Council cannot currently demonstrate a five year supply of housing land. The Council's Officer Report quotes a figure of 3.99 years as at November 2021 and I have been provided with no alternative figures.
17. While this shortfall in housing land supply means that the development plan policies which are most important for determining the application are deemed to be out of date⁵, the main focus of Policies 3, 4 and 37 is a range of design criteria. These remain substantially consistent with the National Planning Policy Framework July 2021 (the Framework) when read as a whole, particularly in terms of its focus on achieving well-designed places (section 12) and the desirability of maintaining an area's prevailing character and setting, including residential gardens (paragraph 124).
18. On that basis, I attribute significant weight both to the harm to the character and appearance of the area and to the consequent conflict with Policies 3, 4 and 37 of the Local Plan.
19. The appeal site is not subject to any policies which protect areas or assets of particular importance, as listed in footnote 7 to Framework paragraph 11d(i). As such, the proposed development falls to be considered against the test in paragraph 11d(ii) of the Framework. This requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
20. Since the proposed development is for a single dwelling providing modest, one bedroom accommodation, its contribution to the shortfall in housing land supply would inherently be limited. While the Framework supports more efficient use of land in suitable locations, paragraph 124 makes clear that this

⁵ NPPF paragraph 11(d), footnote 8.

is not at the expense of maintaining an area's prevailing character and setting, where appropriate. Similarly, the Framework's support for development of small sites in paragraph 69 clearly refers to the benefits of using 'suitable' sites, indicating that issues of character and setting remain relevant.

21. Ecological enhancements are proposed, but there is little evidence to confirm whether these would amount to a quantifiable net gain in biodiversity, when other effects of the proposed development are taken into account. I have therefore given this potential benefit limited weight.
22. The building's existing low key appearance is typical of a domestic outbuilding and not inherently harmful to the character of the area. Furthermore, the proposed alterations to the building are only one aspect of the proposed development, which I have concluded would have a harmful visual impact when considered as a whole. As such, I have given very limited weight to any potential enhancement of the building's appearance.
23. I have noted the appellant's comments highlighting the absence of identified conflict with development plan policies relating to indoor and outdoor space and accessibility standards, living conditions within the proposed dwelling or for occupiers of neighbouring properties, access and parking, arrangements for refuse and recycling and the effect on heritage assets, biodiversity or existing trees. However, even if I were to agree that there would be no unacceptable effects on any of these issues, this would be a neutral, and not beneficial, factor in the planning balance.
24. In conclusion, the benefits associated with the proposed development are very modest in scale. Set against those benefits are the harm I have identified to the character and appearance of the area, to which I have given significant weight, along with the consequent conflict with development plan policy.
25. Given the harm that I have identified, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

26. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR