



Appeal Decision

Site visit made on 9 November 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/G5180/W/22/3299680

17 Chesham Road, London SE20 7RH

- 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 Ms Plane against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/05700/FULL1, dated 7 December 2021, was refused by notice dated 7 April 2022.
 - The development proposed is the erection of a new 1 bed, 2-person single storey dwelling adjacent to the existing property at number 17. The proposed works include the demolition of the existing garage, and the partitioning of the existing oversized corner plot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development was modified by the Council in their decision notice. However, notwithstanding the appellant's use of that modified description in their appeal form, I have nothing before me to confirm the appellant's agreement to the alterations. I have therefore determined the appeal based on the description of the proposed development as set out in the planning application form.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether adequate living conditions would be provided for future occupiers of the proposed development in respect of the width of the proposed rear garden and the layout of the proposed dwelling.

Reasons

Character and appearance

4. The appeal site comprises part of the front and rear gardens and the whole of the side garden of 17 Chesham Road, a large semi-detached house in a quiet and well established suburban residential area. This section of Chesham Road between junctions with Oak Grove Road and Chesham Crescent contains only semi-detached houses with long rear gardens and short front gardens which

are either open or bounded by low fences, walls or hedges. Most of these houses are hip-roofed and flat-fronted with small canopies over their front doors, some of which have been replaced by small porches. The size and positioning of the houses present a pleasant and consistent rhythm to the street.

5. I saw during my site visit that some houses have been extended at the rear. However, other than the addition of some front porches and the creation of short parking areas to the fronts, the appearance of this section of the street seems largely unaltered from its original design. I saw few extensions to the sides of houses in the immediate vicinity of the appeal site or the wider area, and those that do exist are generally much smaller than the appeal proposal. Clear separation exists between pairs of houses in this section of Chesham Road and these distinct gaps, along with the low means of enclosure to front gardens and the wide footways beyond, contribute to a feeling of openness within the street.
6. No 17 and the adjoining 19 Chesham Road differ noticeably from the other pairs of houses in this section of the street. The pair appear slightly elevated as the land rises upwards into Chesham Crescent at its junction with Chesham Road. They have steep gabled roofs and are substantially deeper and taller than the other semi-detached houses in the vicinity. Their front elevations have large gable-roofed first-floor bow windows above short lean-to projections which run across the full width of the houses at their ground floors. These distinguishing features combine to give the pair significant prominence in the street.
7. This pair of houses is set at an angle to Chesham Road as it turns in to Chesham Crescent, and a similar orientation of pairs of semi-detached houses exist at other junctions along Chesham Road. As a result of this arrangement, substantially wider gaps exist between corner plots and the neighbouring houses that face directly onto their respective highways. This is the case between No 17 and 15 Chesham Road. The existing low flat-roofed garage that would be demolished to make way for the proposed development sits in this gap, but above this building there are clear views of trees and other vegetation in rear gardens adjoining the appeal site.
8. Whilst I acknowledge that the proposal before me is significantly reduced in scale when compared to the previous proposal the subject of an earlier appeal (Appeal Ref: G5180/W/20/3254953) referenced in the evidence from both main parties, I note that the proposed development would be substantially taller and wider at the front than the existing detached garage. Notwithstanding the inclusion of a path between the proposed side wall and the boundary with No 15, the proposal would largely fill the gap between the gable wall of No 17 and its boundary with No 15 and, as a result of its orientation at an angle to Chesham Road, it would be prominent in the street.
9. From all public vantage points in front of No 17, and from positions along Chesham Road, the proposal would be seen as substantially narrowing the separation between pairs of houses. Given the rarity in the locality of such forms of development on corner plots and elsewhere along Chesham Road, this would significantly alter the character and appearance of the area. That alteration would be harmful because it would remove, to a substantial extent, the characteristic openness created in large part by the gaps between the

houses on this section of Chesham Road, and the associated views they afford to vegetation behind the houses.

10. Semi-detached houses dominate the area in the immediate vicinity of the appeal site. Further beyond the site there are rows of terraced houses. I saw no evidence of single-storey dwellings in the immediate vicinity or in the nearby streets during my site visit. The introduction of a single-storey dwelling at the appeal site would create an uncharacteristic form of development which would sit uncomfortably within an area so dominated by two-storey dwellings. This change would be harmful to the character and appearance of the area because it would disrupt the characteristic rhythm exhibited in the blocks of semi-detached houses and it would introduce a scale of housing that would noticeably jar visually with those two-storey buildings.
11. I therefore find the proposed development would harm the character and appearance of the area. Accordingly, the development would conflict with Policies 4 and 37 of the London Borough of Bromley Local Development Framework Local Plan (January 2019) ('the Local Plan') which require proposals to achieve a high standard of design and layout whilst enhancing the quality of local places, respecting local character and recognising and complementing the qualities of the surrounding areas; to complement the scale, form, proportion and layout of adjacent buildings and areas; and to make a positive contribution to the existing street scene through high quality design.

Living conditions

12. The proposal would comprise a single-storey one-bedroom dwelling. The bedroom would be provided in a separate room, as would a bathroom. The remaining internal space would provide an entrance hall leading to a shared area that would accommodate cooking, dining, and living space. The Council confirm in their Delegated Decision report that the space inside the dwelling would meet the minimum standards set out in The London Plan (March 2021). The proposed shared area room would be well lit through large, glazed doors in the rear elevation and high-level windows in the side elevation. Reasonable outlook would be achieved, and the size of the building would be adequate in providing comfortable accommodation as a one-bedroom dwelling.
13. The rear garden would be narrower than others in the area. I have not been provided with fully dimensioned plans showing the length of the garden, but I note that the Council indicate the garden would be around 4 metres wide, and the appellant indicates the garden would be around 17.5 metres long. It is evident from the plans, and from what I saw during my site visit, that the size of the proposed garden would be substantially larger than the minimum private outdoor space requirement of 5 square metres referred to by the Council. Notwithstanding its limited width, I am satisfied that the garden would be of an adequate size to serve the needs of future occupiers of the proposed dwelling.
14. On this main issue I find that the proposal would provide adequate living conditions for future occupiers of the proposed development in respect of the width of the proposed rear garden and the layout of the proposed dwelling. It therefore complies with Policy 9 of the Local Plan which requires such development to provide a high-quality living environment for the intended occupiers.

Planning Balance

15. The Council confirm that they do not have a five-year supply of housing land, with their latest published information indicating 3.99 years supply. Having regard to paragraph 11 d) of the National Planning Policy Framework ('the Framework'), the policies which are most important for determining the appeal are out-of-date. In such circumstances the Framework requires that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development described in the Framework of fostering well-designed and beautiful places, would not be achieved.
17. The Framework encourages the effective use of land in meeting the need for homes, including providing a variety of housing types, and requires the Council to approach decisions in a positive and creative way. However, these matters are not unqualified, particularly in respect of the effects development can have on the character of an area, and they would not address or outweigh the harm that I have identified in respect of the character and appearance of the area.
18. I acknowledge that the provision of an additional dwelling would be a benefit in contributing to the need to provide additional housing in the area. However, this benefit would represent only a very small contribution towards meeting those needs, and I attribute limited weight to this benefit, noting the relatively small shortfall in supply. The harm I have identified to the character and appearance of the area that would arise from the proposal would significantly and demonstrably outweigh that limited benefit.

Conclusion

19. For the reasons given above, the scheme does not comply with the development plan when taken as a whole. Further, I have found that the identified harm would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As a result, the scheme would not represent sustainable development as described by the Framework. There are no material considerations to support a decision other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David English

INSPECTOR