



Appeal Decision

Site visit made on 7 December 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/G5180/W/22/3298116

Mapledurham, Orpington Road, Chislehurst BR7 6RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr P Chowdhury - PKC Estates Ltd against the Council of the London Borough of Bromley.
 - The application Ref 21/03278/FULL1, is dated 23 June 2021.
 - The development proposed is the demolition of the existing building and erection of a replacement 2.5 storey building (two storeys with accommodation set within the roof space) containing 7 x 2 bedroom self-contained flats with associated amenity space, car parking, cycle parking and refuse storage facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of neighbouring occupiers of Tanglewood and 61 Marlings Park Avenue, with particular regard to outlook and privacy; and
 - road safety, with regard to car parking.

Reasons

Character and appearance

3. The appeal site is located within an area designated in the Bromley Local Plan (2019) ("BLP") as the Marlings Park Estate Area of Special Residential Character ("ASRC"). It is predominantly characterised by two storey detached properties set within large plots regularly laid out onto long roads. Most are of good quality Neo Tudor architectural or Arts and Craft design with English vernacular features. Properties on Orpington Road feature gates, high boundary walls and hedges in keeping with their larger average size and footprint of houses which are set within larger and longer plots than in other parts of the area. Trees to the rear and in gaps between properties are visible from the street.
4. The appeal site is a detached residential dwelling on the corner of Orpington Road and Marlings Park Avenue with spacious front and rear gardens. It is a large dwelling with a hipped tiled roof and a half-timbered appearance. From public areas, in particular, it makes a positive contribution to the character of the area, with parts of the building being seen through the entrance gates and vegetation on the boundary.

5. Although functionally the proposed building would contain flats, its design is intended to read as a dwelling comparable to others in the locality, which it would do to some degree. However, it would be higher than the original dwelling and the neighbouring property Tanglewood. The footprint of the proposed building would not be substantially greater than that of the existing building, but it would be a significantly larger and bulkier building, with a crown roof and a third storey in the roof space along its entire length. Overall, it would be of a scale I did not see elsewhere in the ASRC, particularly in relation to its depth. And as seen from Marlings Park Avenue it would appear particularly large, despite the street trees and planting in the front and rear gardens of the appeal site.
6. Adjacent to Tanglewood, the existing single storey garage building would be replaced by an extensive two-storey brick façade with a parapet and relatively few features. Its roof would also be of a height sufficient to accommodate a third storey. The offset from the boundary along much of its depth would be very small for a building of the height and depth proposed, and the building would have a substantially greater visual impact than the existing single storey garage building on the boundary. Overall, the proposed building would appear as an overly large building in this location.
7. Although large parking areas are common, particularly along Orpington Road, I saw none laid out formally as a car park, and from the evidence before me such a feature would not respect or strengthen the special and distinctive qualities of the ASRC. Uncharacteristic development in this location would harm the character of the area, and could set a precedent for wider change across the ASRC, particularly on the larger plots on Orpington Road.
8. In conclusion, the proposed development would harm the character and appearance of the area, and would, in this regard, conflict with BLP Policies 4, 8, 37 and 44 and The London Plan 2021 ("TLP") Policies D3 and D4. Together these policies seek a high standard of design with regard to layout scale and shape and separation between buildings, and which respect, enhance and strengthen the special and distinctive qualities of the ASRC.

Living conditions

9. In relation to Tanglewood, the existing single storey garage building and an undeveloped area within Tanglewood's garden provide a degree of separation between the properties, which are divided by a close boarded fence. Trees and shrubs, largely in Tanglewood's rear garden also provide a significant degree of screening of the garden, including from the first floor of the existing dwelling.
10. The proposed development would introduce an extensive brick elevation of two stories plus a parapet wall, and a tiled roof tall enough to accommodate an additional storey. Overall, this element of the proposal would be higher and significantly deeper than Tanglewood, and in close proximity to the boundary. As a result, it would be harmful to outlook from the house and garden.
11. There would also be living room and bathroom windows and balconies facing the boundary, and at its rear close to the boundary. Although the bathroom windows could be obscure glazed, the living room windows and balconies would afford significant views into the currently private garden, which could not

reasonably be obscure glazed or mitigated by privacy screens. As a consequence, there would be a loss of privacy for occupiers of Tanglewood.

12. 61 Marlings Park Avenue ("No 61") is a single storey dwelling with a small rear garden at the end of the appeal site. A boundary wall extended in height by a fence panel and vegetation above it currently largely obscures the rear first floor of the existing dwelling, providing privacy for users of No 61's garden.
13. The proposed development would bring two storey development significantly closer to No 61. However, although the proposed rear façade would be clearly visible from No 61's garden, in terms of outlook it would remain adequately separated in terms of distance, and would not be an oppressive feature.
14. Regarding privacy, the existing tree in the garden of No 61 would significantly reduce the extent of overlooking from the rear windows and balconies of proposed Flats 5 and 7, and to an acceptable level. The extent of overlooking from the rear bedroom rooflight of proposed Flat 7 is also not likely to be significant. However, the first-floor windows serving the living space of proposed Flat 3 would have direct views over No 61's garden, and despite the separation distance between the windows and the rear boundary, the development would introduce overlooking into the currently private garden of No 61. Given the relatively small size of No 61's garden, additional boundary planting of a height sufficient to prevent overlooking would be oppressive.
15. In conclusion, the development would harm the living conditions of the occupiers of Tanglewood and No 61 with respect to privacy, and of the occupiers of Tanglewood in respect of outlook. As a consequence, it would conflict with BLP Policy 37, which requires respect to be given to the amenity of occupiers of neighbouring dwellings. I have not found that the development would result in unacceptable outlook for the occupiers of No 61.

Road safety

16. The appeal site is located in an area with a low Public Transport Accessibility Level (PTAL) rating of 1b, where on street parking is not restricted. On the opposite side of Orpington Road, the publicly accessible Petts Wood is open to visitors but without a parking area within the vicinity of the appeal site.
17. Orpington Road is a bus route, a classified road, and a London Distribution Route, and parking along it could impede traffic flows. Marlings Park Avenue is a relatively wide road, and the Council and other interested parties advise that visitors to the woodland park on Marlings Park Avenue, on both sides of the road. However, I have not seen evidence of high levels of parking, or of parking stress or harm to road safety, and other than an expressed preference for more spaces/less units the Council's Highway Engineer has not objected to the development.
18. The development would provide eight on-site parking spaces, which amounts to one space per unit and one additional space. It would therefore meet the BLP Policy 30 minimum standard, which requires off-street parking and sets minimum levels. The development would not provide the maximum level of 1.5 spaces per unit permitted by TLP Policy T6.1, which relates to residential parking. However, even if the proposed development attracted higher car ownership, I have not seen compelling evidence that harm would arise if additional cars were parked on Marlings Park Avenue.

19. In conclusion, I have not seen evidence that the development would harm road safety, with regard to car parking. It would therefore accord with BLP Policies 30 and 32, and TLP Policy T6.1, which are described above and seek to ensure road safety is not significantly adversely affected.

Other Matters

20. The appellant states that in September 2020 only 3.31 years of Housing Land Supply could be demonstrated and the Housing Delivery Test result showed worsening performance and required an 'Action Plan'. Even if I were to agree with the Council's figures of 3.99 years, it is unable to demonstrate a 5 year Housing Land Supply. Paragraph 11 of the National Planning Policy Framework ("the Framework") is therefore engaged, and 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 taken as a whole.
21. The proposed development would contribute a net increase of six housing units, which would make a small contribution towards meeting the shortfall in the supply of housing. The appellant considers the development would be of a high standard in terms of internal space, layout and external space, exceeding the London Plan standards. I also note the comments in support of the development by an interested party relating to the mix of units being an opening for young families to enter the area. In addition, the appellant advises the development would be constructed of high-quality external materials, although I have found above that the development would harm the character and appearance of the area. Considering the small scale of the development these matters attract only limited weight in favour of the development.
22. The Framework seeks to significantly boost the supply of homes and make effective use of land, but also achieve well designed places. Although I have not found harm in relation to road safety, the development would harm the character and appearance of the area and the living conditions of neighbouring occupiers. As a consequence, I have also found conflict with development plan policies. This harm amounts to significant weight against the development, and significantly and demonstrably outweighs the benefits.
23. Other matters have been raised by interested parties against the development. As I am dismissing the appeal for other reasons, and these matters would therefore not change my decision, I have not considered these matters further.

Conclusion

24. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that suggest a decision other than in accordance with the development plan would be appropriate, and the appeal should therefore be dismissed.

Peter White

INSPECTOR