



Appeal Decision

Site visit made on 16 November 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 FEBRUARY 2023

Appeal Ref: APP/G5180/W/22/3299020

13B Cherry Orchard Road, Bromley BR2 8NE

- 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 Rebecca Lloyd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/04410/FULL1, dated 6 September 2021, was refused by notice dated 17 February 2022.
 - The development proposed is a new 3 bedroom dwelling on land adjacent to 13B Cherry Orchard Road.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises a parking area and garden land to the side of a three storey, gable fronted, detached building, which was converted into two flats, Nos. 13A and 13B Cherry Orchard Road, in the 1980's.
4. Cherry Orchard Road is a narrow street comprising two and three storey dwellings of varying age, height and design. The spaces between buildings vary in size, but where these are limited to a single narrow footpath between buildings, the gap tends to increase at first floor level and above, breaking up the massing of the taller buildings and roof lines.
5. The proposed dwelling would be constructed very close to the side elevation of Nos. 13A and 13B. A limited gap would be retained to allow access between the existing and proposed properties. It is unclear from the submitted plans if this access is intended to be shared. The red line site boundary wraps tightly around the side and rear of the existing building, taking in the area immediately outside of the ground floor rear windows of No.13A, as well as the access route to the external rear staircase that provides access to the upper floor flat. Whilst the appeal site and No.13B are currently in the same family ownership, there is no certainty that this would always remain the case. The absence of a retained private access to the side and rear of the existing building is a symptom of over development.
6. The minimal gap retained between the existing and proposed buildings, would not reflect that found between other properties in the area, which generally have access space to the side of each property and a wider space between the

upper floors. The proposal would therefore detract from the spatial standards of the area.

7. The existing parking area at the front of the site runs roughly in line with the front of the garage of adjacent No.15. It is currently only just large enough to park 3 modest size cars, without overhanging the grass verge or the highway. The front of the new dwelling would be sited further forward than the adjacent garage, reducing this space. The parking area is also constrained by a streetlight, that is proposed to be retained. Cars would be parked tightly up to the front of the house and its windows, blocking most of its frontage. This arrangement would result in a cramped appearance, which would again detract from the spatial qualities of this location.
8. I therefore conclude that the proposal, would result in harm to the character and appearance of the area, contrary to Policies 4, 8 and 37 of the London Borough of Bromley Local Plan (January 2019) and the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to ensure that new development achieves a high standard of design and layout that respects local character and spatial standards.

Other Matters

9. The Council accepts that it has less than a 4 year supply of housing land. Consequently, the tilted balance at paragraph 11(d) of the Framework, is engaged.
10. I recognise that the proposed development would make more efficient use of this windfall site. I also acknowledge the appellant's desire to build a new home in this location, where they grew up, which would be closer to family and work and where they are unable to afford an existing home.
11. The proposal would make a modest contribution to the supply of housing in the area. It could be delivered quickly and would result in some modest economic benefits in terms of creating jobs during its construction, and future occupants supporting local businesses. However, the same benefits could be achieved by a dwelling which better reflects the character and appearance of the area.
12. I have had regard to other concerns raised by local residents. However, given my findings on the main issue, it is not necessary for me to address each of these other matters in further detail. I have also had regard to the letters of support, but these do not outweigh the harm I have identified to the character and appearance of the area.
13. When assessed against the policies in the Framework taken as a whole, I consider that the harm I have identified would significantly and demonstrably outweigh the modest benefits of one dwelling.

Conclusion

14. I conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, the appeal is dismissed.

R Bartlett

INSPECTOR