



Appeal Decision

Site visit made on 17 January 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/G5180/W/22/3303524

Land adjacent to 7 Lezayre Road, Orpington BR6 6BP

- 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 K Jeal, Andy Barrett Ltd against the decision of the London Borough of Bromley.
 - The application Ref DC/21/04265/FULL1, dated 17 August 2021, was refused by notice dated 8 June 2022.
 - The development proposed is demolition of existing garage buildings and replacement single storey dwelling and parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The plans submitted with the planning application are not clear as to whether one or two car parking spaces are proposed. It is clear from the description of proposed development on the planning application form that the proposal includes more than one car parking space. The Council dealt with the proposal on this basis, and so shall I.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal site is a long and narrow plot of land located between a pair of semi-detached two-storey dwellings and a two-storey terrace. Properties within the area are set in pairs and short terraces, set behind modest front gardens, with generous and long gardens to the rear. Gaps between built forms are generally modest and consistent, with semi-detached forms having more generous separation distances. Due to the local topography of the area, the properties to the easterly side of the appeal site are at a higher level. Due to these gaps between dwellings and generous gardens, the character and appearance of the area is open and suburban.
5. The frontage of the appeal site comprises a grassed area, which extends deep into the appeal site, to a point behind the rear elevations of the neighbouring properties. At this point, a garage building occupies the full width of the plot, with two further buildings behind. As such, the appeal site appears as a narrow open gap within the streetscene.

6. The proposed bungalow would have a long and narrow footprint positioned deep within the site, well behind the rear elevations of its neighbours. Due to its siting, its easterly flank would abut the rear garden side boundary of No.9 and its westerly flank would be very close to the rear garden side boundary of No.7. The long and narrow gardens of Laxey Road lie to the north of the appeal site. Therefore, the proposed bungalow would appear as a residential property within a rear garden setting, which would be discordant to the prevailing plot pattern of the area.
7. While the bungalow would not occupy the full width of the plot, as is the case with the existing garage building, it would still take up most of the width of the gap between its neighbours. In the context of the other houses with gaps to their sides and the adjoining open rear gardens, the proposed bungalow would therefore appear incongruously cramped within the plot.
8. Due to the position of the proposed bungalow deep within the plot, the immediate frontage at the street would not significantly change in terms of the degree of openness. However, the layout of the frontage to the plot would comprise a narrow and deep area for the soft landscaping border, access path and tandem parking spaces, and these factors would combine to reinforce the cramped nature of the plot. The proposal would thus result in the appearance of a cramped overdevelopment of the site, discordant with the prevailing open suburban character of the area.
9. The appellant refers me to an appeal decision¹ in 2016. This decision was clearly made under a different policy context at the national and local level. Nevertheless, I have considered this decision and I do not find it comparable. The proposed drawings for that scheme demonstrate a much wider plot than the one before me, as evidenced by the depiction of a reversing manoeuvre for a vehicle within the frontage; and the incorporation of two rooms to the front elevation of the proposed dwelling. The inspector at that appeal clearly referenced a different character context than the one before me.
10. I therefore conclude that the proposed development would harm the character and appearance of the area.
11. The proposed development therefore conflicts with Policies 4 and 37 of the London Borough of Bromley Local Plan 2019. These policies seek to ensure that development respects local character and appearance and relates well to the character of its surroundings.

Other Matters

12. The appellant drew my attention to Policy H2 of the London Plan, 2021 which came into force after the previously dismissed appeal² for a different scheme at this site in 2018. This policy seeks to support the delivery of housing from small sites, and was clearly considered in the Council's officer report, whereby the principle of housing development was accepted. I find no reason to disagree.
13. A range of other matters have been raised by local residents. As I am dismissing the appeal on the main issue, and consideration of these matters will not alter my decision, it is not necessary for me to address them directly.

¹ APP/G5180/W/16/3144921

² APP/G5180/W/17/3190436

Planning Balance

14. The Council acknowledges a significant undersupply of housing. The main parties agree that paragraph 11d of the National Planning Policy Framework (the Framework) is therefore engaged, whereby planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. Section 11 of the Framework supports the effective use of land, particularly for housing use, and paragraph 120 affords substantial weight to the value of using suitable brownfield land within settlements for homes. Given my reasoning above, I am not persuaded that the appeal site is suitable. Moreover, the benefit of an additional unit would make little difference to the overall supply of housing.
16. The harm I have identified in my reasoning above is to the character and appearance of the area. Paragraph 124 of the Framework requires me to take into account the desirability of maintaining an area's prevailing character and setting; and the importance of securing well-designed, attractive and healthy places. Paragraph 130 seeks to ensure that developments are sympathetic to local character. Paragraph 134 requires development that is not well designed to be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. In this regard, the policies and guidance with which the proposed development conflicts are in conformity with the Framework.
17. I therefore conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

18. For the reasons given, I conclude that the proposed development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR