



Appeal Decision

Site visit made on 14 February 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/G5180/W/22/3307514

18 Andover Road, Orpington BR6 8BP

- 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 B Ford against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/00180/FULL1, dated 11 January 2022, was refused by notice dated 30 June 2022.
 - The development proposed is the erection of single storey detached two bedroom dwelling of pitched roof design with associated garden, landscaping, parking and secure cycle and bin storage with dwelling to be served by existing access onto Yeovil Close.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupiers of 18 and 20 Andover Road, with particular regard to outlook and light.

Reasons

Character and Appearance

3. The appeal site is located on the corner of Andover Road and Yeovil Close within the garden of 18 Andover Road. The existing property is a detached, two-storey dwelling which sits within a substantial plot. The site also borders the rear garden of the neighbouring property at 20 Andover Road.
4. The surrounding area is dominated by two-storey detached and semi-detached dwellings. A single storey dwelling can be seen opposite the appeal site on Yeovil Close; however, this does not reflect the broader character of the area.
5. The proposed development would involve the sub-division of the rear garden of No.18 to provide a single storey detached dwelling, fronting onto Yeovil Close. The bungalow would be modest in scale, and this would be at odds with spacious character of the surrounding area
6. There are currently no dwellings on the northern side of Yeovil Close between Andover Road and Cathcart Drive. Other than domestic garden buildings, I observed no back land development in this location. The absence of any built

development along this part of the street contributes to a sense of openness experienced by the properties on Andover Road and Cathcart Drive and the surrounding area.

7. The proposed development would disrupt the pattern of development and introduce an incongruous form of development that would not be assimilated into Yeovil Close. Accordingly, the proposal would not achieve a satisfactory relationship to existing development within the area.
8. My attention has been drawn to a recent development at Brow Crescent, Orpington (planning permission reference 21/03675/FULL1). The new dwelling at Brow Crescent, although within the former garden of a corner plot, forms a continuation of dwellings which front onto Brow Crescent in this location. Furthermore, the density and general pattern of development found in this location differs from that around the appeal site. For these reasons, I consider that this development differs from that proposed in this instance.
9. Consequently, I conclude that the proposed dwelling would cause harm to the character and appearance of the area. As such it would be contrary to Policies 3, 4 and 37 of the London Borough of Bromley Local Plan (2019) (LP) which require, amongst other things, new development on back land or garden land to ensure that there is no unacceptable impact on the character, appearance, and context of the area in relation to scale, design and density. The proposal would also be in conflict with the National Planning Policy Framework (the Framework) which seeks to ensure development is sensitive to the characteristics of the local area.

Living Conditions

10. Due to the rising topography of Yeovil Close, the proposed dwelling, although single storey, would be located in an elevated position in relation to 18 and 20 Andover Road. Therefore, the proposed dwelling would, by virtue of its elevated position, roof pitch and height, result in some overshadowing and a reduction in daylight to their rear gardens.
11. The existing properties currently benefit from a pleasant open outlook, which is a characteristic of the surrounding area. The introduction of a new dwelling, would, by virtue of the topography of the site, the proximity of the proposed dwelling to the neighbouring boundaries and overall height of the dwelling would dominate their outlook.
12. Accordingly, I conclude that the proposal would cause harm to the living conditions of the occupiers of 18 and 20 Andover Road, with particular regard to outlook and light. This would be in conflict with Policy 37 of the LP, which seeks, amongst other things, to ensure that development respects the amenity of the occupiers of neighbouring buildings and seeks to ensure they are not harmed by overshadowing. The proposal would also conflict with the provisions of Paragraph 130 of the Framework which requires that development provides a high standard of amenity for existing and future users.

Other Matters

13. The Council is unable to demonstrate a five-year supply of housing sites, with the most recently published figure being 3.99 years. Accordingly, Paragraph 11d of the Framework states that development plan policies which are most important for determining the application may be considered out-of-date. As a

result, it states 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 taken as a whole.

14. The proposal would contribute to housing supply for the purposes of the Local Plan, the London Plan, and the National Planning Policy Framework, including towards the delivery of housing on small sites. It would also be in a location that is accessible to local services, with a PTAL rating of 4 indicating good access to public transport. However, the benefits from one additional unit would be of a modest scale, and although the site has good access to services and public transport links, the adverse impacts on the character and appearance of the area and living conditions of neighbouring occupiers would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
15. The Council have confirmed that the plot size would not be unduly harmful to the living conditions of the future occupiers. It also confirms that the garden retained for No. 18, would continue to be of appropriate size for a family dwelling.
16. The Council also considers that there would be no harm caused to the living conditions of neighbouring occupiers with regard to overlooking, noise and disturbance. From my assessment of the proposal and the site, I see no reason to disagree with these conclusions. However, the absence of harm on these matters is not sufficient to outweigh the harm identified above.

Conclusion

17. For the reasons set out above, having considered all the policies drawn to my attention, the conflict with Policy 3, 4 and 37 of LP leads me to conclude that there is conflict with the development plan taken as a whole. There are no material considerations which would outweigh that conflict. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR