



Appeal Decision

Site visit made on 8 March 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 21 APRIL 2023

Appeal Ref: APP/G5180/W/22/3306316

85 Oxhawth Crescent, Bromley BR2 8BN

- 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 Nana Bello of Bellrich Homes Limited against the Council of the London Borough of Bromley.
 - The application Ref 22/01843/FULL, is dated 5 May 2022.
 - The development proposed is demolition of existing bungalow and garage and construct a pair of 3 bedroomed semi-detached bungalows incorporating first floor front and rear dormers with associated parking and refuse and cycle storage.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing bungalow and garage and construct a pair of 3 bedroomed semi-detached bungalows incorporating first floor front and rear dormers with associated parking and refuse and cycle storage is refused.

Preliminary Matter

2. The appellant submitted amended plans with their final comments, that were not before the Council at the time the application was submitted. The amended plans showed changes to the proposed layout. Interested parties did not have the opportunity to comment on these amendments. I have therefore considered the appeal based on the drawings submitted with the planning application.

Background and Main Issues

3. Although the Council did not make a formal decision on the application, they have provided putative reasons for refusal in their appeal statement. From these I consider the main issues to be:
 - the effect of the proposal on the character and appearance of the area;
 - whether sufficient off street parking provision would be provided.

Reasons

Character and appearance

4. The appeal site comprises a three bedroom detached bungalow with attached garage which is located at the end of a row of properties that front onto the western side of Oxhawth Crescent. The area is residential in character with a

mixture of detached and semi-detached dwellings of similar design, scale and massing.

5. Dwellings along Oxhawth Crescent have a consistent front building line and the regular presence of front gable projections with timber strut detailing and bay windows which all combine to create a sense of uniformity which contributes positively to the character and appearance of the area. Some dwellings in the surrounding area have been altered by way of dormer window extensions to the front roof slope, including 124 Oxhawth Crescent located opposite the appeal site. A street tree is located directly in front of the appeal site which contributes positively to the character of the street scene.
6. The proposed stepped approach to the front building line would be at odds with the pattern of development, which would result in a visually incongruous appearance resulting in harm to the character and appearance of the area. Whilst the scale and design of the front elevation of the proposal and the proposed materials to be used would be sympathetic to the character and appearance of the surrounding dwellings, these features would not overcome the harm to the pattern of development.
7. The majority of driveways within the surrounding area are located to the front of side garages, however, a number of dwellings have areas of hardstanding located behind low level boundary walls and planting, extending across the frontage of the dwellings to provide additional off street parking areas. Double or single gates or single storey garage structures lower than the host dwelling to which they serve provide a break or step down in built form between dwellings and the plot boundaries, adding to the character and appearance of the street scene.
8. The separation between the proposed development and the southern boundary would remain consistent with the existing situation with the continued presence of a single timber gate to the side of unit 1. A separation distance of 1.953m at the front corner of unit 2, as shown on the drawings, would be provided between the proposed development and the northern boundary. Whilst this would be less than the width of the current attached garage which provides the step down in built form to the boundary, it would not be significantly different to other separation distances to side boundaries along Oxhawth Crescent.
9. The overall width of the individual dwellings and plots would be less than in the case of other semi-detached dwellings within the surrounding area. However, given there is some variation in the width of existing dwellings and separation to each side boundary would be retained, the resultant spatial relationship alone would not result in a cramped form of development that would cause harm to the character and appearance of the area. The proposed front garden space would be largely given over to parking with limited soft landscaping, however, this is in keeping with the existing situation. No additional vehicle crossovers are proposed, limiting the effect on the street tree located directly in front of the appeal site.
10. Nonetheless, due to the uncharacteristic staggered arrangement of the two dwellings, I find that the proposal would be harmful to the character and appearance of the area and therefore would conflict with policies 4 and 37 of the Bromley Local Plan 2019 (LP). These policies seek, amongst other things, to ensure the site layout and design complements the qualities of the surrounding areas.

Parking provision

11. The appeal site is located in an area with a Public Transport Accessibility Level (PTAL) of 1b which is considered to be relatively low accessibility to public transport. Policy 30 of the LP states in areas with a PTAL of between 0 and 2*, a 3 bedroom dwelling would require a minimum of 1.5 parking spaces. The appellant has confirmed that one space would be provided per dwelling. This would not meet the minimum requirement.
12. I note the appellant has referred to Policy T6.1 of The London Plan 2021 (TLP) with regard to parking standards which states that a maximum number of 1.5 parking spaces per three bedroom dwelling in areas such as the appeal site is required and they assert that given that the proposal does not exceed this number, the proposal is compliant. They also consider that given the TLP was adopted more recently than the LP that this approach should be followed.
13. The appellant asserts that the appeal site is located within walking distance of public transport and services and therefore the amount of parking proposed is sufficient. The parking standards do take account of accessibility factors. In any case, during my site visit I noted a significant number of cars parked on driveways and on street along Oxhawth Crescent, which suggests that there is a reliance on the private car within the local area around the appeal site.
14. Nonetheless, policy 4 of the LP states that off-street parking that is well integrated within the overall design of the development should be demonstrated in all new housing developments. When a car is parked to the front of unit 2, it would substantially block the dropped kerb area meaning that access and egress from the parking space for unit 1 would not be possible or at least would be very difficult without the vehicle at unit 2 being moved first. Therefore, the parking layout as proposed would not provide appropriate and accessible off street parking to unit 1.
15. I therefore find that inadequate off street parking would be provided and the proposal would therefore conflict with policy 4 as set out above. Notwithstanding the difference between the requirements set out in policy 30 of the LP and policy T6.1 of TLP in relation to the number of parking spaces, as the proposal conflicts with the requirements of policy 4 of the LP it is unacceptable in this regard in any case.

Other Matters

16. The appellant asserts that the proposal complies with the nationally described space standards, that it would provide sufficient outdoor amenity space for future occupiers and that it would not have a harmful effect on the living conditions of the occupiers of neighbouring dwellings. They also state that it would provide appropriate cycle parking and refuse storage facilities and would avoid harm to the environment. In response to interested party comments on the planning application, the appellant also states that if drainage is an issue, this could be dealt with by condition. Even if I were to agree, the lack of harm in relation to these considerations does not weigh in favour of the proposal.
17. The appellant states that there is a shortage in the provision of family sized dwellings in Bromley and the wider London area, although the evidence before me on this matter is limited. I recognise that there is support in the development plan and the National Planning Policy Framework for the

optimisation of land and for the delivery of small sites which contribute to the housing mix of the area. However, this does not negate the requirements for new homes to be designed to respond to the context of the surrounding area and to provide appropriate off street parking.

18. I acknowledge that the proposal would provide one additional dwelling, which would provide some economic and social benefits, albeit they would be limited given the scale of the proposal. However, these limited benefits do not outweigh the harm I have identified above.

Conclusion

19. For the reasons above and having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

G Dring

INSPECTOR