



Appeal Decision

Site visit made on 25 April 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/G5180/W/22/3310744

Highlands, 9 Oldfield Road, Bickley, Bromley BR1 2LE

- 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 R Popely (Alder Design and Build) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/02688/FULL1, dated 30 June 2022, was refused by notice dated 22 September 2022.
 - The development proposed is construction of two/three storey block of 6 no. residential flats on land in front of Highlands, with widening/lengthening of existing driveway and formation of pedestrian access, car parking spaces, associated landscaping and cycle and refuse stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form. This is also the description used in the Council's decision notice.
3. A different proposal on another part of the garden of Highlands, 9 Oldfield Road, Bickley, Bromley BR1 2LE is the subject of a separate appeal decision¹.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - i. The character and appearance of the existing building and surrounding area.
 - ii. The living conditions of nearby residents, with particular reference to noise and disturbance, and outlook.

Reasons

Character and appearance

5. The appeal site is in the front garden of Highlands, a large residential building of traditional appearance. Highlands was originally a single dwelling house set within much larger grounds and is considerably larger than its neighbours. Subsequently, the building was subdivided into flats and parts of the grounds were developed as separate residential plots. The grounds that remain comprise an area on either side of the main building, and the large front

¹ Ref: APP/G5180/W/22/3310746

garden. The latter provides a deep set back from Oldfield Road and a distinctive, verdant setting for the house, which contributes to the existing building's imposing presence in the street and when viewed from nearby dwellings. The overall appearance provides insight into the history and evolution of the area, even though the original layout of Highlands and its grounds has been altered over time. These unique attributes make a positive contribution to the character and appearance of the surrounding area, even if the building and area do not have the status of heritage assets.

6. The area surrounding the appeal site is suburban and residential. With the exception of Highlands, it predominantly comprises large, detached houses situated relatively close to each other behind uniform building lines with generous front gardens, facing wide streets. There are also several groups of houses set around cul-de-sacs located behind the street-facing houses. Existing dwellings are generally of varied traditional appearance, including pitched tiled roofs and brick, tiled and/or rendered façades.
7. The siting, building lines and ridge height of the new block would be broadly consistent with the prevailing pattern on this side of Oldfield Road and the broad, linear aspect of the road would remain. The new building would incorporate design elements, such as a tiled pitched roof and brick façade, that respond to characteristics of the local area. The crown roof and centrally located gable would not necessarily be out of place given similar features on other buildings in the locality.
8. However, the new building would have a similar scale and mass to Highlands so would be a very dominant presence in front of the existing building. The development would result in an unbroken, three-storey block spanning much of the front garden of Highlands, so that building's distinctive setback would be lost. Although most of the existing planting at the road-side edge of the site would remain, this is partly deciduous so would be less effective as a screen for part of the year. Partial glimpses of Highlands would be visible down the access road and above the ridgeline of the new building, but there would be very limited views of the older building in its entirety so it would no longer have an imposing presence in the street.
9. In addition to the loss of garden space to allow for the new building, the proposed new access road and parking spaces would change a significant further area to hard surface. I note the access/parking area would not be visible from the street, and a courtyard design, high-quality materials and new soft landscaping are proposed. However, the unbroken appearance of the large, front garden is integral to the character of Highlands because other homes nearby do not have such a verdant set-back. The appellant's heritage and townscape analysis does not fully recognise the contribution of Highlands' front garden to the setting of the building and local distinctiveness of the area, so does not lead me to a different conclusion. This harm is notwithstanding the current level of active use of the front garden or the opinion of current occupants of Highlands.
10. I acknowledge the roofline of a block of flats is often more extensive than that of a detached house, but this consideration does not outweigh the harm to character resulting from the scale and massing of the proposal. I have considered the argument that there are other purpose-built blocks of flats

nearby. The design context for these other blocks is different, so they are not directly comparable with the appeal site and proposal.

11. For the above reasons, I conclude the proposal would harm the character and appearance of the existing building and surrounding area. This is contrary to Policy D3 of the London Plan (LP) and Policies 3, 4 and 37 of the London Borough of Bromley Local Development Framework Local Plan (BLP), which support garden land development only where there is no unacceptable impact on the character and appearance of an area; and seek a high standard of design that complements the qualities of the surrounding area and contributes positively to the existing street scene. It is also contrary to the National Planning Policy Framework (the Framework), which seeks high quality design; and supports development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, including residential gardens.

Living conditions

12. The existing access road from Oldfield Road would be shared by the occupants of Highlands and those in the new block of flats. The number of households making use of it would therefore double, resulting in significantly more traffic movements at busy times of the day such as mornings and evenings. Although the occupants of the house that lies adjacent to the access road are used to some noise and disturbance from cars coming and going, this level of increase would have a harmful effect on their living conditions.
13. The new access spur and parking spaces located behind the new building would generate vehicular movements and pedestrian activity where previously there were none, along with the associated noise of car engines, vehicles turning, and doors opening and closing. Whilst there would be no through-traffic and speeds would be low, this activity would be in very close proximity to the existing Highlands building, particularly to the front-facing flats. Consequently, there would be disturbance to occupiers when inside the existing flats, particularly those at the front of the building. This activity would also significantly reduce scope for quiet enjoyment of the existing sunken patio area outside the front lower ground floor rooms, and of the residual narrow strip of garden in front of Highlands. I have considered the effects of the proposal on all potential occupiers of that building, notwithstanding the views of those currently in residence.
14. There would be further negative effects for the occupants of Darrawella. The rear of that house and its short rear garden would be very close to the new access spur and parking area. At present there are no car movements at all in that location, which is a large, tranquil area of lawn. There is little evidence a planted 'buffer strip' would sufficiently mitigate the resulting noise and disturbance, so I cannot be confident a condition securing this would address the harm. Therefore, for both Highlands and Darrawella, I am not satisfied the level of noise and disturbance for nearby occupiers from the introduction of the new access and parking arrangements would be acceptable, where there was none previously.
15. I note that some pedestrians and deliveries, and those collecting refuse, would generally access the new block directly from Oldfield Road, rather than down the existing or new access roads. However, this consideration does not outweigh the harm I find.

16. I acknowledge an increase in noise and disturbance is an inevitable consequence of building at higher densities within existing residential areas and that Oldfield Road experiences a level of background noise typical of many urban areas. I also note several cul-de-sac layouts have been introduced behind existing gardens in the area, in previously 'car-free' locations. Nevertheless, many of the rear gardens in these examples are significantly larger than that belonging to Darrawella or the residual front garden proposed for Highlands, so they are not directly comparable. I have reached my decision based on the particular circumstances of the appeal site.
17. Turning to outlook, the proposal would result in a significant change to the view from the windows at the front of Highlands and to the rear of Darrawella. However, while it would be very visually prominent, the new building would not be close enough to be over-bearing or result in a sense of enclosure for the occupants of those premises. On balance, I consider the change in outlook for neighbouring occupiers would not be harmful.
18. For the above reasons, I conclude the proposal would not harm the living conditions of nearby residents, with particular reference to outlook. However, I conclude it would harm the living conditions of nearby residents, with particular reference to noise and disturbance. This is contrary to Policy D3 of the LP and Policies 3, 4 and 37 of BLP. These policies require development to help prevent or mitigate the impacts of noise; achieve healthy environments that are comfortable for people to use; and support new residential development on garden land only if there would be no unacceptable disturbance from additional traffic. It is also contrary to the Framework, which requires development to create a high standard of amenity for existing users.

Other Matters

19. The Council is satisfied with the proposed living conditions for future occupants of the new flats. It considers the proposal would allow sufficient external space overall for the occupants of Highlands, given the remaining areas to the side and rear of the building. It considers separation distances and levels of privacy between the new block and neighbouring buildings would be adequate. It is also satisfied with the effect of the proposal on existing trees. I see no reason to disagree with their conclusion on these points. However, compliance with the development plan in these respects is a neutral factor.
20. I have considered the arguments made in relation to Policies GG2, D1, and H2 of the LP. These policies require development to make the best use of land by applying a design-led approach to optimise the development capacity of small sites. Given the harm I find to both character and appearance and living conditions, I consider the proposal would be contrary to the requirements of these policies in relation to design-led optimisation.
21. The proposal would make a contribution of six dwellings to the supply of housing, which would help to meet London's housing needs. The delivery of six flats would also contribute to local economic growth during the construction process and through future occupiers' use of local services and facilities. This accords with the Framework where it seeks to increase the supply of housing and support economic growth. These benefits of the proposed development are considered in the overall planning balance below.

Planning Balance

22. For the reasons set out above the proposal would conflict with Policies GG2, D1, D3 and H2 of the LP and Policies 3, 4 and 37 of the BLP. The proposal may comply with other policies of the development plan. Nevertheless, I conclude this conflict means the proposal conflicts with the development plan as a whole.
23. The Council accepts its current five-year housing land supply stands at 3.99 years, which means it cannot demonstrate a five-year supply of deliverable housing sites as set out in footnote 8 of the Framework. This means, according to the Framework, the policies most important for determining the appeal are out of date. In these circumstances, Paragraph 11(d) of the Framework states that 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 whole.
24. The harms resulting from the conflict with the development plan as a whole also result in conflicts with the Framework for the reasons given above. I attribute limited weight to the contribution to housing supply and limited weight to the economic growth identified as benefits of the proposed development in other matters. However, I consider the adverse impacts of the proposal arising from the harm to character and appearance and living conditions would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

25. Therefore, the proposal conflicts with the development plan as a whole. There are no other material considerations, including the Framework, to outweigh that conflict. For these reasons, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR