



Appeal Decision

Site visit made on 20 June 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/G5180/W/22/3309649

101 Beddington Road, Orpington BR5 2TE

- 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 and Mrs Singh against the decision of the Council for the London Borough of Bromley.
- The application Ref 22/02676/FULL1, dated 5 July 2022, was refused by notice dated 31 August 2022.
- The development proposed is the demolition of existing garage and construction of a semi-detached single/two storey 2-bedroom dwelling with associated parking and dropped kerb to both new and existing dwelling.

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing garage and construction of a semi-detached single/two storey 2-bedroom dwelling with associated parking and dropped kerb to both new and existing dwelling at 101 Beddington Road, Orpington BR5 2TE in accordance with the terms of the application, Ref 22/02676/FULL1, dated 5 July 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building and the surrounding area.

Reasons

3. The appeal site is a prominent corner property overlooking an open crossroad junction at Beddington Road in Orpington. The surrounding area is made up of mainly two storey semi-detached and terraced dwellings, in a tight layout providing an overall suburban feel to the area. Beddington Road slopes up towards the appeal site and the properties have addressed the slope through the stepping down of the ridge heights. The appeal site is located behind a well-established vegetated boundary which provides good screening of the site.
4. The proposal is for the demolition of the existing garage and the erection of a part two, part single storey 2 x bedroom dwelling on the flank elevation of the host property. I am aware of the significant planning history associated with the appeal site, including planning permission¹ for a two-storey side extension to the host dwelling, and also a dismissed Inspectors decision² for a two storey 3 x bedroom dwelling also on this flank elevation.

¹ London Borough of Bromley Planning Ref: 19/04773/FULL6

² PINS Ref: APP/G5180/W/21/3279809

5. The proposal would elongate the existing terrace at the site, however the scheme provides a subservient stepped approach to the roof treatment when viewed from the front elevation, similar to that adopted by the original rhythm of the streetscene in addressing the natural slope of the road. The proposed roof form has also sought to address the previous concerns of the Council and the Inspector in regard to an unsympathetic and contrived roof design. This has been achieved by reducing the bulk at the roof level with the reduction on the flank elevation to a single storey element, providing a development that would be in keeping with other single storey side extensions in the locality.
6. Whilst I acknowledge that the overall footprint of the proposal is similar to the previously dismissed scheme, I find that the reduction in scale, height and bulk of the proposal from that scheme, particularly at roof level, provides a development that would not harm the open and spacious pattern of development at this section of Beddington Road. Furthermore, given the use of similar materials, which can be conditioned, the overall appearance of the proposal from the streetscene would be in keeping with the design and scale of the character and appearance of the area.
7. Policy 8 of the Bromley Local Plan 2019 (BLP) provides for a minimum gap standard between plots. From the plans before me, it would appear that the minimum gap from the side boundary has been achieved, however it is the gap along the rear elevation where the Council have concerns. Whilst I acknowledge that corner plots like the appeal site tend to be more spacious due to their irregular shapes, the resulting juxtaposition of the new dwelling would still provide a sufficient gap, in excess of the policy requirements, thus resembling the other more tightly arranged parts of the surrounding area and would not appear cramped. As such, the proposal would not unacceptably lower the established spatial standards of the surrounding area.
8. The proposal would not therefore harm the character and appearance of the locality. Consequently, it would accord with the principles of Policies 4, 8 and 37 of the BLP which amongst other things, requires all new development to be design led, be of high quality and respect the host dwelling whilst being compatible with development in the surrounding area. The proposal would also comply with the National Planning Policy Framework (the Framework) insofar as it requires development to be sympathetic to local character, and also complying with the National Design Guide in regard to responding to existing local character and identity.

Other Matters

9. Several other matters have been raised by interested parties and I have taken them all into account. These include, but are not limited to, noise disruption; parking and traffic safety; overlooking and loss of privacy; loss of light; and loss of trees and green spaces.
10. In regard to noise disruption, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to this matter. Furthermore, this issue can be controlled through other regulations.
11. In regard to parking and traffic safety the scheme provides a suitable level of off-street parking and there are no parking restrictions in this section of Beddington Road. As such there is little substantive evidence to suggest that

the effects of the development would make the existing parking levels materially worse or that the development would have a materially harmful effect on traffic or highway safety.

12. In respect to issues raised on the living conditions of surrounding properties, I have no reason to disagree with the Council, that the proposal would not cause harm to the living conditions of the existing residents in respect of matters such as overlooking, privacy and light. The Council also consider the concerns relating to the impact on greenery and trees can be mitigated through the use of suitable conditions. I agree and have therefore included appropriate conditions.
13. Consequently, these other matters do not lead me to a different overall conclusion that the appeal should be allowed.

Planning Balance

14. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. In November 2021, they refer to the supply identified as 3.99 years. Given the shortfall in housing land supply, paragraph 11 d) of the Framework is engaged.
15. The Framework footnote 7 provides a complete and exhaustive list of those Framework policies to which paragraph 11 d) i) refers; there are no others. Consequently, the application of policies under paragraph 11 d) i) do not provide a clear reason for refusing the proposed development.
16. Although the lack of sufficient housing land supply means that the policies which are most important for determining the appeal proposal are out-of-date, BLP Policies 4, 8 and 37 are broadly consistent with the Framework in relation to providing high quality development which respects and enhances local character and identity.
17. The Framework also seeks to significantly boost the supply of housing. The proposal would make use of previously developed land, adding an additional dwelling to the housing supply, despite being a small contribution. Nevertheless, with regard to the advice within the Framework and the housing undersupply position, it is an important benefit, and I afford it great weight.
18. In the context of paragraph 11 d) of the Framework, I find that any adverse impacts of the proposal would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole. The proposal would therefore benefit from the presumption in favour of sustainable development within the Framework, and I find that the appeal should be allowed.

Conditions

19. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary for the sake of consistency, brevity, clarity and to ensure that they meet the tests in the Framework.
20. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have also imposed a material specification condition prior to

commencement above ground level to match the existing building in order to ensure an acceptable visual effect.

21. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for a Construction and Environmental Management Plan which is necessary to submit prior to the approved development commencing. I have imposed a condition in respect to surface water drainage arrangements to reduce the risk of flooding and ensure that no additional pressure is placed on the existing drainage system. This condition incorporates the Council's other suggested condition in respect to avoiding surface water on the highway.
22. There is a need to protect existing trees during the construction phase and also to retain and enhance these upon completion of development. A pre-commencement condition is therefore necessary in this instance, and the condition I have imposed incorporates the Council's suggested requirements.
23. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for off-street parking to be approved and provided prior to occupation and maintained thereafter.
24. In the interest of the character and appearance of the area I have imposed a necessary condition prohibiting any buildings, structures, extensions, alterations, walls, or fences of the dwelling hereby approved within its curtilage without first having to apply for planning permission.
25. I have attached a condition removing permitted development rights for additional openings in the flank and rear elevations to protect living conditions of neighbouring properties, from the proposed development, in terms of privacy and overlooking.

Conclusion

26. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3443/20-PL101 Rev3, 3443/20-PL102 Rev3, 3443/20-PL103 Rev3, 3443/20-PL104 Rev3, 3443/20-PL105 Rev3, 3443/20-PL106 Rev3 and 3443/20-PL107 Rev3
- 3) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition and site clearance, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:-
 - (a) Dust mitigation and management measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Measure to reduce demolition and construction noise
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site as well as within the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Details of the removal of any accumulation of mud on the highway
 - (v) Full contact details of the site and project manager responsible for day-to-day management of the works
 - (vi) Parking for operatives during construction period
 - (vii) Swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation
 - (f) Other reasonable site specific Highways and Environmental Protection issues as requested by the Local Planning Authority.

The approved Construction and Environmental Management Plan shall be adhered to throughout the construction period for the development.
- 5) (a) Prior to commencement of above ground works, details of a scheme for the provision of surface water drainage ensuring that surface water

from private land shall not discharge on to the highway has been submitted to and approved in writing by the Local Planning Authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with the drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

- 6) Prior to commencement of above ground works, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;
 2. Proposed hardstanding and boundary treatment;
 3. A schedule detailing sizes and numbers of all proposed trees/plants;
 4. Sufficient specification to endure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

- 7) No part of the development hereby permitted shall be occupied until parking spaces shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England)

2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land indicated or in such a position as to preclude vehicular access to the said land.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilages of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.
- 9) No additional windows shall at any time be inserted in the first-floor side and rear elevations of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.