



Appeal Decision

Site visit made on 26 July 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/G5180/W/23/3315122

Land And Garages Rear Of 1 To 5 Park Place, Park Road, Bromley BR1 3HL

- 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 Burlington Property Group against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/03739/FULL1, dated 20 September 2022, was refused by notice dated 24 November 2022.
 - The proposed development is for the demolition of existing garages and erection of three dwellings and a garage, associated landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has confirmed in its appeal statement that it no longer wishes to contest reason for refusal 3 relating to highway and fire safety, and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on a) the character and appearance of the surrounding area; and b) the living conditions of the occupants of surrounding properties in respect of overbearing effect and privacy, and of future occupants of the development with regard to outlook.

Reasons

Character and appearance

4. The appeal site consists of a battery of garages in a backland setting, accessed by a driveway from Park Road. The surrounding area is mainly residential in nature, including blocks of flats and semi-detached houses.
5. I note that the appeal site lies within an urban area where new development including housing is encouraged to be located, and I observed at my visit that the existing garages do not contribute positively to the locality. Bearing in mind that many of the surrounding buildings are taller than the appeal scheme, I accept that the principle of two-storey, flat-roof dwellings in this backland setting, where built form should arguably be more sensitively-designed, could be acceptable.

6. However, I consider that the proposal before me would represent a cramped form of development, which is particularly obvious from the ground floor plan. This demonstrates that the dwellings and garage would span virtually the whole of the width of the site. The building would seemingly hug the boundaries wherever possible, particularly in respect of house 3, leaving little separation to the borders for new planting and providing only limited rear gardens.
7. To the front there would be minimal opportunity for soft landscaping and tree planting therein to improve the quality of the urban environment. This is because much of the area would be hardscaped in order for a vehicle to access the garage, which would result in a harsh and over-engineered appearance to the development.
8. I conclude on this ground that the proposal would cause harm to the character and appearance of the surrounding area. This would be contrary to Policies 3, 4 and 37 of the Bromley Local Plan 2019 (LP), which seek to ensure proposals meet high standards of design and protect the character of neighbourhoods.

Living conditions

9. The site location plan indicates that the nearest buildings to the proposal are 50 and 52 Palace Grove, which lie in a broadly westerly direction approximately 10-12 metres distant. The single storey garage abuts the boundary at this point, with the two-storey elevation of house 3 some 4 metres beyond. Other properties are considerably further away. In my view, given the relatively low height of the proposal, the urban context and the space separation to surrounding properties, I am satisfied that there would be no adverse overbearing effect to the occupants of local dwellings.
10. The oriel windows serving the bedrooms within the units are shown to contain a clear glazed opening and an opaque panel, with all but one of the oriels being south-facing. On balance, I am satisfied that this arrangement would provide for both an adequate outlook for the users of the bedrooms, whilst also preventing undue overlooking of surrounding rear windows and garden areas of other properties in the vicinity.
11. Consequently, I consider that there would be no undue detriment to the living conditions of the occupants of surrounding properties in respect of overbearing effect and privacy, and of future occupants of the development with regard to outlook. The proposal would accord with policy 37 of the LP, which requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants.

Other matters

12. I acknowledge those matters that have been advanced in support of the development, including that the site is in an accessible location for Bromley Town Centre, other existing properties in the vicinity have a higher density of habitable rooms per hectare, and the dwellings would conform with the Council's internal and external space standards. These however do not outweigh the harm that I have identified above.

Planning balance

13. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision

making. Based upon my previous findings, the proposal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the character and appearance of the area. The absence of harm relating to other matters, for example in terms of living conditions, are a neutral factor.

14. It is not a matter of dispute that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing, with the evidence drawn to my attention by the appellant suggesting a shortfall of around one year of supply. Consequently, the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.
15. The development would make a positive contribution to housing supply in an accessible location with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation. However, to my mind, when assessed against the policies of the Framework as a whole, the adverse impacts of granting planning permission in this case in terms of the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the development proposed. As such the presumption in favour of sustainable development does not apply in the particular circumstances of this case.
16. The conflict with the development plan and the Framework when taken as a whole and the associated harm to the character and appearance of the area identified are significant and overriding factors. Consequently, the material considerations in this case, including the contribution to housing supply and associated benefits previously identified, do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conclusion

17. For the reasons given the proposal is unacceptable and I conclude that the appeal should fail.

C Hall

INSPECTOR