



Appeal Decision

Site visit made on 22 August 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

Appeal Ref: APP/G5180/W/23/3315841

11 Shornefield Close, Bickley, Bromley BR1 2HX

- 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 Dharmic Amin against the decision of the Council of the London Borough of Bromley.
 - The application Ref 22/00769/FULL1, dated 4 February 2022, was refused by notice dated 17 November 2022.
 - The development proposed is the demolition of existing conservatory and erection of two storey end-of-terrace 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the banner heading above I have used the appellant's name provided in the appeal form, as the application form does not contain the name of the applicant.
3. Section E of the appeal form indicates that the description of development has changed from that given on the application form. The appellant has provided written confirmation that a revised description of development has been agreed with the Council. As such, in the banner heading above, I have used the description of development provided in the appeal form. However, I have removed reference to the site address which is not in itself development.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is an end of terrace property located in Shornefield Close, a cul-de-sac which is characterised by rows of terraced dwellings of a similar design arranged around an open green area. The gardens at the end of some of the rows of terraces, including the appeal property, are generous. Similarly, the garage compounds with low buildings, parking and turning area assist in maintaining the separation between the terrace rows. Together, the replicated rows of terraces with the spacious side areas and open green spaces to the frontage, create a distinctive layout which positively contributes to the character and appearance of the area.
6. The appeal property and No 10 Shornefield Close (No 10) are set at a right angle to each other. The proposed development would be within the side

garden of the appeal property. The dwelling would be constructed of matching materials and would be of a similar design to the existing properties. However, due to its siting and size, the proposal would mostly infill the gap to the side of the property when viewed from the front and reduce the space between the terraced rows at this point. As a consequence, the proposal would significantly and harmfully diminish the spaciousness apparent in the street scene.

7. Policy 8 of the London Borough of Bromley Local Plan 2019 (LP) requires proposals to retain a minimum of 1m space to the side boundary or a more generous side space where higher standards of separation already exist. Due to the layout of the estate, there are generous standards of separation. These are not uncharacteristically large rather, as I have set out, the spaces contribute to the street scene.
8. Whilst the appeal plot may be a large width when compared to the mid terrace properties, the proposal's proximity to No 10 would appear cramped when viewed against surrounding terrace rows where terraces are interspersed with low buildings or side gardens. The development would considerably erode the side garden of the appeal property, particularly when viewed from the green space in front of the appeal site and from the public highway. Furthermore, as the dwelling would fail to positively respond to its surrounding context, I do not share the appellant's view that the proposed design makes the best use of this land. The proposal would result in the loss of an important gap in the street scene. It would appear cramped and at odds with the spacious character of the area. Consequently, the development would look harmfully out of place.
9. There is a single storey conservatory attached to the side of the appeal property which will be removed to facilitate the development. However, this is a modest glass structure with a limited presence in the street scene and its existence does not lessen the benefit of the space between the buildings. Further, although the dwelling at No 1 Grove Wood Close is visible as a backdrop to the side garden, it is not a prominent feature in the street scene of Shornefield Close and does not disrupt the space between terraces that the appeal site provides.
10. The appellant references various side spaces pertaining to other end-of-terrace properties across the estate, including Nos 5 and 6 Shornefield Close. Although I accept that the distance between those dwellings and their side boundaries is limited, these dwellings abut either an amenity area or a garage compound, therefore preserving the spacious character of the area.
11. Overall, I conclude that the proposal would detract from the character and appearance of the area. It would conflict with Policies 3, 4, 8 and 37 of the LP. These policies seek, amongst other matters, to secure good quality design and layout, as well as to preserve side spaces.
12. Although not listed in the Council's reason for refusal, reference is made by both parties to Policy D3 of the London Plan 2021. This policy seeks to optimise site capacity whilst ensuring that development is of the most appropriate form for the site. For the reasons set out above, the proposal would fail to comply with this policy.

Other Matters

13. The appellant suggests that the proposal would constitute the development of previously developed land (PDL). However, the definition of PDL as set out in the National Planning Policy Framework (the Framework) excludes land in built-up areas such as residential gardens and I have no specific evidence before me to conclude that the proposal would constitute PDL.

Planning Balance

14. The Council cannot demonstrate a 5 year housing land supply of deliverable housing sites and the undersupply is acknowledged as 'significant' by the Council. Consequently, the provisions of footnote 8, paragraph 11d) ii. of the Framework should be applied.
15. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework seeks to ensure that development adds to the overall quality of the area and is sympathetic to local character. Therefore, the conflict between the proposal and Policies 3, 4, 8 and 37 of the LP should be given significant weight in this appeal.
16. Although windfall sites contribute to meet identified housing needs, set against the harm identified there would be limited social and economic benefits. An additional unit would make little difference to the overall supply of housing and the support for one extra household to the local economy would also be insignificant.
17. Consequently, the adverse impacts of the proposal on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

18. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR