



Appeal Decision

Site visit made on 12 September 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/G5180/W/23/3318312

24 Queensway, West Wickham BR4 9ER

- 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 Mrs Gloria Hambrook against the decision of London Borough of Bromley.
 - The application Ref 22/03954/FULL1, dated 07 October 2022, was refused by notice dated 8 December 2022.
 - The development proposed is new detached bungalow in rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of the occupants of No. 2 Chestnut Avenue and No. 22 Queensway with particular regard to outlook; and,
 - Whether appropriate living conditions would be provided for future occupiers having particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is in a residential area and comprises a semi-detached house and its garden located on a corner plot. The rear garden stretches up to the boundary with the adjacent house with a garage at the bottom. Whilst the garden is enclosed, it has an open and spacious feel with soft landscaping. The surrounding area includes a mix of housing types and designs, however, the majority of properties in the immediate vicinity are two storey houses. Irrespective of their type and design, houses follow a linear pattern, providing a distinctive suburban and pleasant character to the area.
4. The proposed bungalow would sit in what would be a newly created plot through the sub-division of the existing rear garden which would noticeably reduce the size of the plot. This would be in stark contrast to the immediate surroundings where even though sizes vary, the plots are generally long and spacious. Despite the retained garden space, the siting of the bungalow would erode a significant proportion of the open part of the garden. As a result, this would reduce the intrinsic spaciousness of this corner plot.

5. The existing house and bungalow would have smaller gardens than most neighbouring houses. The garden serving the bungalow would be to its side with limited space to its rear. This would be at odds with the prevailing pattern of development where houses have generous rear gardens which are a key feature. The footprint of the bungalow would be substantially bigger in terms of size and shape than the existing garage. Due to its depth and width, the bungalow would cover a large proportion of the plot. When combining this with the closeness to the site boundary and small garden size, the overall scale and massing would result in an uncharacteristically cramped form of development.
6. The character of the site would change significantly from a modest garage within a spacious garden to a separate dwelling with its own access and garden. I neither saw nor am I referred to examples of garden land or tandem development in the immediate area.
7. During my site visit, I observed that where there is the presence of buildings in the garden of the immediate neighbouring sites, these are typically limited to garden outbuildings. I accept that the bungalow would be set back from the road, however, the incongruous nature and siting of the proposal would be further highlighted by the fact that the building would be a bungalow amid two storey houses. The proposed materials would be consistent with the palette of materials found in the surrounding area, however, these specific design details would not sufficiently address this issue. Notwithstanding the single storey design, the bungalow would be seen from the road and neighbouring gardens and windows and would have a jarring presence. This would negatively affect the street scene.
8. I therefore find that the proposal would cause significant harm to the character and appearance of the area and would conflict with Policies 3, 4, 8 and 37 of the Bromley Local Plan (the LP) (2019). Taken together, these policies require new development to be of a high standard of design with a scale and layout that respects the local character and spatial standards to positively contribute to the street scene.

Living conditions of No. 2 Chestnut Avenue and No. 22 Queensway

9. No. 2 Chestnut Avenue has two side dormer windows along the bottom of the roof slope which face directly onto the appeal site. Evidence provided to me of the effect on these windows is limited. The bungalow would be sited further away from the shared boundary than the existing garage. However, despite this distance, the bungalow would be adjacent to the side elevation of No. 2, with the submitted proposed block plan showing that the bungalow would be near to the boundary at a distance ranging approximately 1.2m – 2.8m.
10. Notwithstanding the lack of existing elevation drawings, the submitted proposed drawings show that the bungalow would be over 5m tall and would have a width greater than 8m. It would therefore appear that the bungalow would be taller and wider than the existing garage and would have a roof slope of a scale and depth which would be very different to the garages. In the absence of more detailed evidence, the bungalows height, depth, width, mass and close proximity to the boundary, would exacerbate the impact of the presence of built form near to these side windows and would therefore have an overbearing effect on outlook.

11. The bungalow would be sited at the bottom of the rear garden of the appeal site and would be sufficiently far away from the rear windows of No. 22 Queensway. As such, the proposal would not impact the levels of outlook from these rear windows to a degree that would be harmful.
12. The proposed block plan drawing shows that the bungalow would be less than 2m away from the boundary to No. 22 and would therefore be very close to their rear garden. What is currently a relatively open outlook from this neighbour's rear garden would be curtailed by the presence of the bungalow, with no relief along nearly half of the rear garden due to the overall scale, size, length, and height of the bungalow. As such, the proposal would have an overbearing effect that would limit the outlook for users of the garden.
13. The proposal would therefore have a significantly harmful effect on the living conditions of the occupants of No. 2 Chestnut Avenue and No. 22 Queensway and would conflict with Policies 3 and 37 of the LP. These policies, amongst other things, require development to respect the amenity of occupiers of neighbouring buildings.

Living conditions for future occupiers

14. The point of contention between the two main parties relates to the outlook from the window in one of the side elevations of the bungalow. The submitted proposed drawings show that this window would light a bedroom and would be opposite to the site boundary at a distance less than 3m. Due to the close proximity, this would have a severe enclosing effect on this window with views restricted and obstructed and would therefore create an unsatisfactory outlook.
15. I accept that given the layout of the houses in the area, there is a degree of mutual overlooking. However, notwithstanding the claims of the appellant, the distance between the existing house and the bungalow would be much shorter than the distances between the houses in the immediate area. Consequently, there would be close range views into the windows of the bungalow and garden area from the neighbouring houses. Given this level of overlooking, there would be a lack of privacy for future occupiers.
16. I therefore conclude that appropriate living conditions would not be provided for future occupiers having particular regard to outlook and privacy. As a result, the proposal would conflict with Policy 4 of the LP which amongst other things, requires the layout of housing development to be of a high standard and provide private amenity space.

Other Matters

17. The bungalow would meet the Nationally Described Space Standards and the size of the garden area would meet the minimum requirements. However, compliance with relevant national and local planning policies on these matters would be required in any case and therefore these matters do not weigh in favour of the proposal.

Planning Balance

18. The Council states that it cannot currently demonstrate a five year housing land supply. Therefore, in accordance with the provisions of paragraph 11 d) ii. and footnote 8 of the National Planning Policy Framework (the Framework), 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 a whole.

19. I have found that the proposal would result in harm to the character and appearance of the area, would have a harmful effect on the living conditions of the neighbouring occupants and would not provide appropriate living conditions for future occupiers. As a result, there is conflict with Policies 3, 4, 8 and 37 of the LP. These policies are consistent with the Framework in so far as they promote development that is sympathetic to local character and ensures that it has a high standard of amenity for existing and future users. Even taking account of the objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and these policies should therefore be given significant weight in this appeal.
20. The proposal would make a contribution towards the supply of housing, in an area with an ongoing under supply. There would also be social and economic benefits arising from the construction period and the spending of future occupiers would give support to local services and facilities. Notwithstanding this, any construction benefits would be modest and short term and one dwelling would make little difference to the overall supply of housing across the Council area. I can therefore give these benefits only limited weight.
21. Having considered the benefits and adverse impacts of the scheme that is before me, the harm to the character and appearance of the area, the adverse impacts on living conditions of neighbouring occupants and the inappropriate living conditions for future occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development, as set out in the Framework, does not apply.

Conclusion

22. The proposal would conflict with the development plan, read as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

L Reid

INSPECTOR