



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: 11 December 2023

Appeal Ref: APP/G5180/W/23/3317948

80 Hayes Wood Avenue, Bromley BR2 7BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Charlotte Pelter against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/02756/OUT, dated 11 July 2022, was refused by notice dated 28 February 2023.
 - The development proposed is 2 storey, detached dwellinghouse with access from Hayes Wood Avenue.
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Decision

1. The appeal is allowed and outline planning permission is granted for a 2 storey, detached dwellinghouse with access from Hayes Wood Avenue at 80 Hayes Wood Avenue, Bromley BR2 7BJ in accordance with the terms of the application, Ref DC/22/02756/OUT, dated 11 July 2022 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application is in outline with matters of access, appearance, landscaping, layout and scale reserved for future consideration (the 'reserved matters'). I have therefore dealt with the appeal on this basis, treating the submitted plans detailing the potential site layout as indicative.
3. The Council has confirmed the decision notice incorrectly referred to superseded London Plan policies and has provided an updated reason for refusal including the current London Plan policies which I have had regard to.
4. The appellant has confirmed that access to the appeal site would be from Hayes Wood Avenue via a single car width crossover. The Council's comments were invited in this regard. I have amended the description of development proposed accordingly.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is part of the curtilage of No. 80 Hayes Wood Avenue. It contains an existing garage which is set forward of the house and the presence of trees and hedges afford a degree of screening. No. 80 has a unique plot arrangement compared to other properties on the road, as the footprint of the house is set further back into the site with a large garden area to the front,

with a smaller garden area at the rear. The surrounding area is residential in character mainly consisting of two storey houses which are generally built in a linear form set back from the road, which is a key contributor to the suburban and pleasant character of the area.

7. It is proposed to subdivide the site and replace the existing garage with a two storey house. Although some houses along the road sit within generously sized plots with long rear gardens, there are other houses which sit in smaller sized plots with modest rear gardens. Notwithstanding that layout is reserved, although the proposed plot size would be smaller than others on the road, a suitably designed modest house with front and rear garden space fronting the road, would accord with the prevailing linear pattern of development.
8. Whilst acknowledging that scale is also reserved for future consideration, I recognise that the footprint of the proposed house may need to be narrow, due to the overall size of the site. However, it is apparent from the indicative site plans and my site visit, that the site would be of sufficient width to accommodate a house with 1m gaps between the house and boundary on either side. This would provide an appropriate degree of space and separation to avoid the development dominating the plot. Along the road, there is variation in the width of the houses and the gaps between them. As such, given the size of the gap that could be achieved, one house on the site would not appear as uncharacteristically cramped in this context.
9. For these reasons, I find that the proposal would not cause harm to the character and appearance of the area. Consequently, there would be no conflict with Policies 4 and 37 of the Local Plan 2019 and Policies D3 and D4 of the London Plan 2021. These policies, amongst other things, require new development to make the best use of land and respect and respond to the existing character of the area.

Conditions

10. The conditions set out in the attached schedule are based on those suggested by the Council. The appellant was given the opportunity to comment on them. I have considered these in light of the Planning Practice Guidance and made amendments where necessary to ensure clarity and compliance with the tests as set out in the National Planning Policy Framework.
11. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. I have also imposed a condition referring to the site location plan to specify the site to which the permission relates to clearly identify the site.
12. To provide a satisfactory standard of development and reduce risk of flooding, details of surface water drainage are necessary. To create new habitats to enhance biodiversity, a condition requiring bird nesting bricks and bird boxes to be installed is also necessary.
13. The Council suggested conditions requiring the removal of permitted development rights, details of parking spaces and/or garages, and how operatives and construction vehicles shall be accommodated for off-loading, parking and turning within the site. However, these details would pertain to the layout and access of the development, and their necessity would be considered at the reserved matters stage.

Conclusion

14. The development would comply with the development plan, read as a whole and there are no other relevant considerations, which outweigh this finding. Therefore, I conclude the appeal should be allowed.

L Reid

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Location Plan, Existing & Proposed Site Plan.
- 5) No development above slab level (excluding any ground clearance or demolition) shall take place until a scheme for the provision of surface water drainage is submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer. Where a sustainable drainage scheme is to be provided, the submitted details shall 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 (2 litres/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water. Once approved in writing, the development shall be implemented in full accordance with the approved scheme prior to first occupation of the development hereby approved.
- 6) Prior to first occupation of the development hereby approved, details of bird nesting bricks and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as approved prior to the first occupation of the development hereby approved and retained throughout the lifetime of the development.