



Appeal Decision

Site visit made on 23 January 2024

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 16 February 2024

Appeal Ref: APP/G5180/W/23/3325550

1A Betts Close, Beckenham BR3 4XP

- 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 Norace Sibanda against the decision of London Borough of Bromley.
 - The application Ref DC/23/00522/FULL1, dated 6 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is the demolition of existing garage and construction of two storey, 1-bed dwelling to provide separate living accommodation for family members.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Both parties have been provided with an opportunity to comment on the potential relevance of the changes. I have determined the appeal in light of the revised Framework.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of the donor property 1a Betts Close and neighbouring properties at Nos 39 and 41 – 47 (odd nos) Kendall Road in terms of outlook.

Reasons

Character and appearance

4. The appeal site comprises a small private close of properties, within a residential area. The close is made up of two terraces of residential properties which are brick with tiled roofs, as well as the host property, a detached chalet bungalow which is served by a detached double garage. Properties in the close have modest front gardens with open or low front boundary treatments, which face onto the close.

5. The footprint of the proposed dwelling would occupy a high proportion of its plot and would be positioned in very close proximity to the side boundaries including with the host property and adjoining properties on Kendall Road. The increase in footprint compared with the garage it would replace dwelling would be minimal, however, the addition of a cantilevered first floor would significantly increase the scale and prominence of the building. These factors would lead the proposed dwelling to appear cramped within the close.
6. In addition to its two-storey form, the addition of domestic windows and doors would contribute to an appearance consistent with a new dwelling rather than a subsidiary outbuilding. The proposed cladded and brick exterior would harmfully contrast with the simple and consistent palette of materials elsewhere within the close and would add to the prominence of the building.
7. Close board fencing enclosing a modest front amenity space is proposed. The location of this would obscure the property entrance and ground floor fenestration and would harmfully contrast with the open frontages elsewhere within the close. Whilst close board fencing is used to enclose rear gardens, its use to enclose a front garden in an area characterised by low front boundary treatments, would detrimentally affect the appearance of the close.
8. The proposal would fail to achieve the 1m separation distance required by Policy 8 of the Bromley Local Plan (BLP). Whilst I accept that the existing garage building does not provide this separation, the existing building is single storey and as such Policy 8, which applies to buildings of two storeys or more, would not apply.
9. Having regard to the above, the proposal would have detrimental effect on the character and appearance of the area, with particular regard to Betts Close. The proposal would therefore conflict with Policies 7, 8 and 37 of the BLP which collectively require development to be of a high standard of design, and to complement surrounding areas including in terms of scale, layout and materials. Similarly, although not included within the reason for refusal, the proposal would conflict with London Plan Policies D3 and D4, together with the relevant requirements of the Framework, which amongst other matters, they seek to ensure a high-quality design.
10. Policy 6 of the BLP is also listed in the Council's reason for refusal. As this relates to Residential Extensions, where the proposal is for a new building, I consider this to be of limited relevance. Nonetheless, given the wider suite of policies which apply and with which the scheme would conflict, this has not altered my findings.

Living conditions

11. The rear gardens serving Nos 30, and 41-47 (odd nos) Kendall Road, vary in terms of their length however their occupants each benefit from a good quality outlook above the boundary fences. The absence of any significant built form near the boundaries, of two or more storeys in height, contributes to this.
12. The lack of any meaningful separation between the proposed building and its boundaries, together with its two-storey form, would result in an oppressive building which would partially obscure the outlook from adjoining gardens and result in an undue sense of enclosure. This would particularly affect the occupiers of neighbouring property Nos 39, 41 and 43 Kendall Road. In the

case of 39 and 41, the outlook to the rear of the garden would be adversely affected, in the case of No 43, the outlook to one side of the garden would be impacted upon. As such the proposal would result in a significant adverse change compared with the existing setting of Nos 39, 41 and 43.

13. It is noted that the Council's delegated officer report also identifies harm to Nos 45 and 47. As these properties would be separated from the proposed building by neighbouring gardens, whilst the proposal would be visible to the occupiers of those properties, the separation distance would be sufficient to avoid a harmful adverse effect on outlook.
14. The Council's second reason for refusal, insofar as it relates to the effect on the occupiers of the host dwelling. The close proximity of the proposed dwelling to the host property would undoubtedly have a harmful effect upon its outlook. This concern appears to be based upon the proposal forming a self-contained independent dwelling, whereas the description of development indicates occupation by family members. However, even if I were to accept that the proposal was for ancillary accommodation, this would not affect my findings in respect of the effect of living conditions on the occupiers of neighbouring properties, therefore, it is not necessary to explore this further.
15. The proposal would therefore have a significant adverse effect on the living conditions of the occupiers of Nos 39, 41 and 43 Kendall Road, in terms of outlook. The proposal would therefore conflict with Policy 37 of the Bromley Local Plan which requires, amongst other matters, that development respects the amenity of occupiers of neighbouring buildings.

Other Matters

16. In addition to the main issues identified above, I acknowledge the other concerns raised by local residents, which includes the effect of the development on car parking. However, as I am dismissing the appeal on other grounds it is not necessary to consider this further.
17. Evidence from the appellant includes comparisons with a previously refused scheme. This does not alter the merits of the appeal scheme which I have assessed on its own merits.

Planning Balance

18. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with a supply of 3.99 years which is acknowledged by the Council to amount to a significant undersupply.
19. The proposal would make a small contribution towards government's target to significantly boost the supply of homes. Although small, I acknowledge that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
20. The construction of the proposed development would deliver temporary economic benefits. The delivery of an additional dwelling would result in additional spending within the area. Given the scale of the development, the wider public benefits including associated with an increase in housing, social and economic benefits would be modest.

21. The harm identified by way of an adverse effect on the living conditions of neighbouring occupiers, would be significant. Furthermore, I attach significant weight to the detrimental effect on the character and appearance of the area. When assessed against the policies in the Framework taken as a whole, the adverse impacts significantly and demonstrably outweigh the benefits.

Conclusion

22. The proposal would conflict with the development plan as a whole, and there are no other material considerations, including the provision of the Framework, which indicate otherwise. Therefore, for the reasons given above, the appeal is dismissed.

R. Lawrence

INSPECTOR