

Appeal Decision

Site visit made on 14 December 2023

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/G5180/W/23/3324317

Rear of 76-78 Avondale Road, Bromley, BR1 4EZ

- 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 Ms Anna Michaels against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/01804/FULL1, dated 28 April 2022, was refused by notice dated 20 January 2023.
 - The development proposed is erection of two semi-detached 3 bedroom chalet bungalows in lad at rear, including new access road.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are the effect of the proposed development on i) the character and appearance of the surrounding area; ii) the living conditions of adjoining occupiers, and iii) highway safety.

Reasons

Character and appearance

3. The proposed development would see a pair of semi-detached chalet bungalows erected in the garden area to the rear of the Avondale Road properties. It appears that past sub-division of those garden areas has created an L-shaped garden to No. 76, and so the new properties would sit behind Nos. 76 & 78, with an access road to Avondale Road created that runs to the side of No. 76.
 4. The appeal site and the properties fronting Avondale Road lie in an area where, due to the layout of other roads, there are long rear gardens to the west which decrease in size eastwards, with smaller plot sizes to the north and east. The site and wider area lie within the built-up area and I am informed is free from any specific planning policy designation.
 5. The National Planning Policy Framework states that planning decisions should support development that make efficient use of land. Policy D3 of the London Plan 2021 seeks to optimise site capacity through a design led approach and to make the best use of land, whilst Policy 3 of the Bromley Local Plan 2019
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states that housing on garden land will be considered if four criteria are met, including effect on character and appearance of the area.

6. Thus, there is general policy support at national and local level for optimising use of this land for housing and, given the appeal site consists of a relatively large garden area that lies in an area where there are smaller plot sizes, the general intention to seek a higher density of development is consistent with those policies. However, the submitted drawings show a scheme where the two bungalows would occupy much of their plots with small rear gardens, limited distance to their side boundaries and very little space in front of the properties, which would be dominated by parking and turning. The height of the bungalows would emphasise what would appear as a cramped development on the site, with little space around the pair of buildings. Hence this scale of development would sit uncomfortably next to the gardens and houses of neighbouring properties. This would not be consistent with criterion a) of Policy 3.
7. The size of the proposed dwellings in relation to their plots, and the degree of land given over to parking and circulation area, would lead to little space being available for landscaping that might seek to mitigate the visual impact of the development. Criterion d) of Policy 3 of the Local Plan requires that, for housing on garden land to be acceptable, a high standard of separation and landscaping is to be provided; the layout and scale indicates this would not be achievable.
8. On the first issue it is therefore concluded that the design, layout and scale of the proposed development as shown in the drawings would be harmful to the character of the area, and so not satisfy the requirements of Policy D3 of the London Plan, and Policies 3, 4 and 37 of the Bromley Local Plan.

Living conditions

9. The design of the proposed bungalows shows habitable accommodation with windows at first floor, within the roof space. Due to the small plot size for the dwellings and the consequential proximity of the buildings to the site boundaries, this design would lead to a significant degree of overlooking to adjoining properties, with a clear loss of privacy to gardens and houses that does not currently exist.
10. The height of the proposed buildings would, due to their proximity to boundaries, be obtrusive to the outlook from neighbouring houses. This is particularly to those properties on Alexandra Crescent, which are set at a lower level than the appeal site.
11. Criterion c) of Policy 3 of the Local Plan requires development on garden land to not have an unacceptable impact on the amenity of future or existing occupiers. The proposal would not satisfy this requirement and so would conflict with this Policy, and with similar guidance as set out in Policies 3 and 37 of the Local Plan.

Highway safety

12. The submitted drawings show a new access drive that would run between the existing house of 76 Avondale Road and the side boundary with No. 74. The Highways Authority have raised concern that two vehicles would not be able to

pass and that the drawings do not show how vehicles might turn when within the site, including service and emergency vehicles.

13. I share those concerns. I saw at my site visit that the width of the access road is likely to be narrower in practice than shown on the drawings: there are drains, steps and other obstructions on the side elevation of No. 76 that make me doubt the width could be achieved. As I have noted earlier, the area of the site shown for parking and turning is tight and I am not reassured from the drawings I have seen that vehicles could turn within the site. I also do not have sufficient information to persuade me that safe access can be made for servicing and, furthermore, there is insufficient evidence to demonstrate adequate access by emergency services; Policy T4 of the London Plan and Policy 32 of the Local Plan state that development should not increase road danger or harm highway safety, and the submissions do not illustrate to me that these requirements can be met.
14. Based on what I have read and seen I therefore conclude on the third main issue that the proposed development would not provide safe access to the highway. This would be contrary to the policies referred to above.

Other considerations

15. For the reasons given above I have found that the proposed development would conflict with the development plan as a whole.
16. The Council confirm they cannot demonstrate a five year supply of deliverable housing sites. The proposal would result in two dwellings, which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. There would be a short term boost to economic development during construction of the buildings. I have also acknowledged earlier that the development would make efficient use of the site, as supported by the Framework and the development plan.
17. I have taken full account of these matters in support of the proposal. However, this support is countered by the harm arising to the character of the area, to the living conditions of occupiers, and to highway safety, which are all matters enshrined in the development plan and the Framework. The adverse impacts of granting planning permission would therefore significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.
18. My overall conclusion is therefore that the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal is dismissed.

C J Leigh
INSPECTOR