



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: 13th March 2024

Appeal Ref: APP/G5180/W/23/3327537

62 Braemar Gardens, West Wickham BR4 0JW

- 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 J Taylor against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/23/00430/FULL1, dated 1 February 2023, was refused by notice dated 4 July 2023.
 - The development proposed is the demolition of two-storey side extension and the erection of an attached 2-bed, one and two storey dwellinghouse, together with associated landscaping, bin store, cycle store, and off-street frontage parking from the existing vehicular access in Braemar Gardens.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of two-storey side extension and the erection of an attached 2-bed, one and two storey dwellinghouse, together with associated landscaping, bin store, cycle store, and off-street frontage parking from the existing vehicular access in Braemar Gardens at 62 Braemar Gardens, West Wickham BR4 0JW in accordance with the terms of the application, Ref DC/23/00430/FULL1, dated 1 February 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. The decision notice makes reference to SPG 2 Residential Design Guidance. This guidance was subsequently withdrawn and replaced on the 5 July 2023, with the Urban Design Guidance SPD, a copy of this has been submitted. I have therefore had regard to this guidance insofar as it is relevant to the appeal scheme. Having regard to the evidence from both parties and the timeframes for the appeal, I am satisfied that there was sufficient opportunity for the appellant to review this document.
3. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. The main parties have had the opportunity to comment on the relevance of the revised Framework within any final comments. My attention has been drawn to sections of the Framework relating to the delivery of a sufficient supply of homes as well as making effective use of land. I have determined the appeal in light of the representations made and the revised Framework.
4. It is clear from my site visit observations, that the Council's second reason for refusal relates to the even numbered properties in the range stated only.

Similarly, whilst there is a reference in the delegated officer report to No 25 Ravenswood Crescent, this is a clear error which should instead refer to No 35.

Main Issues

5. The main issues are the effect of the proposed development on:
- the character and appearance of the area, and
 - the living conditions of neighbouring occupiers at No's 26-38 (even nos) Ravenswood Crescent with particular regard to outlook.

Reasons

Character and appearance

6. The appeal site is located within a residential area, wherein semi-detached dwellings with distinctive frontages with catslide roofs in an inverted 'W' shape are prominent and give Braemar Gardens its own individual identity. There is considerable variety in the proportions, in particular in terms of the width and separation to boundaries, of properties along Braemar Gardens. Despite a variety of extensions to properties within the road, the symmetrical inverted 'W' shapes have been retained, and in turn a high degree of symmetry overall. Properties are set behind well-proportioned front gardens which include areas of soft landscaping as well as hard surfacing for parking. These gardens, together with trees along the street, give a fairly spacious character and an attractive appearance to the road.
7. The appeal property is not listed, nor does it lie in a Conservation Area. The appeal site is a corner plot and is one of the larger plots on Braemar Gardens. There is a spacious character to the corner of the site, which reflects the character of the area. The site is highly visible within the street scenes on both Braemar Gardens and Ravenswood Crescent. The appeal property has been significantly extended, including through a two-storey side extension. The proportions of the dwelling are therefore notably larger than the adjoining semi-detached dwelling, No 60. Notwithstanding these differences, the inverted 'W' shape across the pair of semi-detached properties results in a degree of symmetry and is a strong distinctive feature which is repeated on a high proportion of properties on Braemar Gardens. To the front of the property there are modest areas of soft landscaping which soften the appearance of the hardstanding which is used for off-street parking.
8. The appeal scheme involves the creation of an additional attached property, resulting in a terrace of three properties, following the demolition of the existing side extension. The proposal would extend the inverted 'W' feature with a corresponding catslide roof and gable feature on the front elevation of the additional property.
9. Despite the provision of an additional dwelling, the increase in built form in comparison with the existing extensions, would not appear visually obtrusive. The use of a hipped roof on the new dwelling would reflect the roof form on the adjoining semi-detached dwelling, No 60, as well as other semi-detached properties in the street. This, together with the stepped down and partially set back position of the proposal, would demonstrate visual subservience to the

original pair of semi-detached dwellings. This is in contrast to an earlier proposal dismissed at appeal¹.

10. The proposed materials, which would be secured by condition, would ensure that unlike the existing extensions which have limited resemblance to the host property, the proposed dwelling would complement its appearance. Extending the inverted 'W' feature would serve to reflect the appearance of the pair of semi-detached properties as well as the individual identity and character of Braemar Gardens. As such, whilst Braemar Gardens is predominantly made up of pairs of semi-detached properties, the proposed terrace of three would sit comfortably within its surroundings due to the similarities in materials and architectural features.
11. The generally spacious character of the area would be retained by the design and position of the proposed building, and with the garden area to the side/rear by Ravenswood Crescent. This is in contrast to the previous proposal that was dismissed at appeal².
12. Comparisons have been made between the spacious character of the appeal site and of Nos 1 and 2 Ravenswood Avenue. However, unlike the appeal site, these properties do not contain a substantial two-storey side extension and so are not directly comparable. In any event, each proposal should be considered on its individual merits, and I have found that the spacious character of the appeal site would be retained by the proposal.
13. Having regard to the above, the proposal would preserve the character and appearance of the area, such to accord with Policies 4 and 37 of the Bromley Local Plan 2019 (BLP), Policies D4 and D5 of the London Plan (LP) as well as guidance contained within the Urban Design Guide Supplementary Planning Document (SPD). These policies and guidance, taken together and insofar as relevant, seek to ensure that development is of a high standard of design which positively contributes to the existing street scene and that respects local character.

Living conditions

14. No's 26-38 face the appeal site on the opposite side of Ravenswood Crescent. These properties have direct views towards the appeal site, which they are separated from by the road, footpath and grass verges together with their front gardens.
15. The distance between No's 26-38 and the appeal site is significant. The proposed dwelling would be set in from the side boundary with Ravenswood Crescent, and it would replace an existing large extension. As such, whilst the appeal scheme would be visible from these properties, the considerable separation distance would not result in a dominant or overbearing effect on the outlook of these occupiers. Indeed, this would be similar to the existing situation with the two-storey extension at the appeal property.
16. Furthermore, in including living conditions as a reason for refusal I consider the Council is very close to unreasonable behaviour potentially leading to an award of costs. Two previous appeal decisions for similar proposals have addressed

¹ Ref APP/G5180/W/22/3291291

² Ref APP/G5180/W/20/3262769

this issue and found them to be acceptable and no changed circumstances that would warrant such a position have been provided by the Council.

17. Therefore, the proposal would be acceptable in terms of its effect upon the living conditions of neighbouring occupiers at No's 26-38 in terms of outlook. Insofar as relevant to this issue, the proposal would accord with Policies 4 and 37 of the LP. These policies, amongst other matters, require development to respect the amenity of occupiers of neighbouring buildings.

Other matters

18. In addition to the main issues above, I have had regard to the other concerns raised by local residents. This includes the potential to create additional bedrooms within the property, or to extend further. Whilst such opportunities may exist, I am required to assess the proposals based on the plans before me. In terms of on street car parking, provision is made for 4 off street car parking spaces. As such, whilst there would be a reduction in on street car parking spaces due to the creation of an additional vehicular crossover, there is no substantive evidence that there would be a harmful increase in on street car-parking, such that could not be managed through the existing parking controls in place. Similarly, there appears to be sufficient visibility having regard to the residential nature of the road, for vehicles to safely manoeuvre to/from the appeal site. As each application or appeal is assessed on its own individual merits, I am satisfied that proposal would not set a precedent for other development in the area.
19. I note that the Council's delegated officer report, together with third party representations, raised some concerns in respect of the effect of the development on the outlook of the occupiers of No 35, to the rear of the appeal site. However, the Council did not find sufficient harm to justify inclusion within a reason for refusal. From my own observations, I note that there is a good separation distance between the facing side elevation of the occupiers of No 35 and the proposed rear elevation of the new property. This separation would be similar to that with the existing extensions to the property. I, therefore, have no reason to take a different view to the Council and find that the effect upon the living conditions of No 35 would be acceptable.

Conditions

20. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Planning Practice Guidance and the Framework. I have edited some of the suggested conditions for clarity and enforceability.
21. A time limit and plan numbers conditions are required in the interest of certainty. Details of external materials, to include samples as well as a hard and soft landscaping scheme together with proposed slab levels, are required in the interest of the character and appearance of the area.
22. A condition requiring swift nest bricks is necessary in the interest of protecting and enhancing the borough's biodiversity. A prior to above ground works trigger is appropriate in this case, and the submission of details of the swift bricks is necessary to ensure the condition is precise and enforceable.
23. Schemes for surface and foul water drainage are required in order to minimise surface water run-off and flood risk more generally. This is a pre-

commencement condition because it is fundamental to the acceptability of the scheme. A Construction and Environmental Management Plan is necessary both in the interests of highway safety as well as the living conditions of neighbouring occupiers. Given the scale of the development proposed and the submitted evidence, requirements relating to construction traffic movements are unnecessary. Although some details are shown on the submitted plans, conditions to secure the details of waste and recycling storage areas as well as cycle parking, are necessary to ensure an acceptable effect on the character and appearance of the area as well as to promote sustainable travel.

24. A condition is necessary to secure the provision of parking spaces and their retention in accordance with the approved plans, to ensure sufficient car parking, however, I am not satisfied that the removal of permitted development rights is necessary in order to achieve this and have amended the wording of the condition accordingly. A condition limiting emissions from gas boilers is necessary to limit the effect of the development on the Air Quality Management Area, in accordance with the development plan.
25. A condition requiring the side facing first floor bathroom window to be obscurely glazed has been recommended, this is necessary in the interests of the privacy of future occupiers given the proximity to a road. A separate condition to require details of boundary treatments is not required as these would be secured as part of the landscaping scheme.

Conclusion

26. For the reasons given above, I conclude that the development would accord with the development plan as a whole, and material considerations do not indicate a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore allowed.

R. Lawrence

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2019/06 OS Map, 2303/01 B Proposed Plans, 2303/02 A Proposed Elevations, 2303/03 B Proposed Floor Area, 2303/04 A Proposed Block Plan, 2303/05 A Proposed 3D and 2303/06 A Proposed Site Plan.
- 3) Prior to the commencement of any works above slab level, details (including samples) of the materials to be used in the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of any works above slab level, details of 5 swift nest bricks 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.
- 5)
 - a) Prior to the commencement of the development hereby approved (excluding any ground clearance or demolition), schemes for the provision of surface water and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The sustainable and foul water drainage systems shall be managed and maintained thereafter in accordance with the approved details.
 - b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.
 - (c) 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 (21/s/ha) as reasonably practicable and
 - the measures taken to prevent pollution of the receiving groundwater and/or surface water.
 - d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved.
- 6) Prior to the commencement of any works above slab level, a scheme of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development,

whichever is the sooner. The details shall include:

1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;
2. Proposed hardstanding and boundary treatment;
3. A schedule detailing sizes and numbers of all proposed trees/plants;
4. Sufficient specification to endure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

All approved landscaping shall be thereafter retained in accordance with the approved details.

- 7) No development (including demolition) shall commence on site until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum the plan shall cover:
 - (a) Dust mitigation and management measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Measure to reduce demolition and construction noise
 - (d) Hours of construction
 - (e) Parking for operatives during the construction periodThe development shall be undertaken in full accordance with the approved details.
- 8) Details of storage of refuse and recyclable materials (including any means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works above slab level. The approved details shall be completed before the new dwelling hereby permitted is first occupied, and permanently retained thereafter.
- 9) Details of arrangements for bicycle parking (including any covered storage) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works above slab level. The approved details shall be completed before the new dwelling hereby permitted is first occupied, and permanently retained thereafter.
- 10) Prior to the first occupation of the new dwelling hereby permitted, parking spaces shall be completed and made available for use in accordance with the approved plans and thereafter shall be retained for such use.

- 11) Any gas boilers to be installed in the proposed development must meet a dry NOx emission rate of <40mg/kWH.
- 12) Prior to the commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved levels.