



Appeal Decision

Site visit made on 17 April 2024

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/G5180/W/23/3330554

1 St Augustine's Avenue, Bromley BR2 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms B Keeper and Ms D Sullivan against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/21/03541/FULL1.
 - The development proposed is the demolition of the existing bungalow and the construction of two pairs of semi-detached houses (4x2 bed units), with off street parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and the construction of two pairs of semi-detached houses (4x2 bed units), with off-street parking and amenity space at 1 St Augustine's Avenue, Bromley, BR2 8AG in accordance with the terms of the application, ref DC/21/03541/FULL1, and the plans submitted with it, subject to the conditions at the end of this decision.

Applications for costs

2. An application for costs was made by Ms B Keeper and Ms D Sullivan against the Council of the London Borough of Bromley. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular regard to off-street parking.

Reasons

Off- street parking

4. Each of the four houses would be provided with one off-street parking space; a total of four spaces. This meets the parking standards in policy 30 of the Bromley Local Plan (2019) (LP) and is more generous than the standard in the more recently published London Plan (2021) which, in a location such as this, and for houses of this size, the Council has indicated, sets a maximum of 0.75 spaces per house; a maximum in total of three spaces.
5. I appreciate that in order to turn out of the site in forward gear that there may need to be some manoeuvring in the turning areas. However, the swept path

tracking indicates that this would not be onerous or too challenging to accomplish. The accesses to the houses would be sufficiently wide and provide sufficient intervisibility to reduce any ingress and egress risk to an acceptable degree. Indeed, the appellant's Road Safety Audit (RSA). Which considered the potential road safety implications of the proposal, including alignment, junctions and lighting, identified no concerns with the proposal. I appreciate that the RSA was only stage 1. Nonetheless, on the evidence before me, and from my own inspection of the site and the proposal, the development would meet the off-street parking requirements set out in the development plan. In this respect, there would be no unacceptable impact on highway safety.

On-street parking

6. As a consequence of the development, one on-street parking bay would be lost. Notwithstanding this, I observed that properties in St Augustine's Avenue typically have generous private drives for the parking of at least one vehicle. There are multiple parking bays lining the street- these are unrestricted bays. Furthermore, directly outside the library at the entrance to the street, there is a row of parking bays, perpendicular to the street. Additionally, I noted that the residential streets in the vicinity of the appeal site are typically unrestricted. In close proximity to the appeal site is a car park, though it is unclear if any restrictions apply. This indicates that there is existing parking provision to service demand for visitor car parking spaces in the locality.
7. I acknowledge that the parking surveys identified parking demand associated with the dance studio opposite the appeal site. This parking pressure rises in correlation with dance class changeover times. Such demand is however, short-lived and dissipates quickly. The evidence before me demonstrates that peak parking demands are fleeting and infrequent, whilst at other times the street has a spacious character, dominated by leafy vegetation rather than parked vehicles. Indeed, at the time of my visit, which, I have taken into account, was in the middle of a weekday, I observed numerous empty parking bays.
8. It is acknowledged that the proposed dwellings are likely to attract visitors and may generate demand for visitor car parking spaces. Such demand would be comparable to that associated with the existing houses in the street. Moreover, it has been reported in evidence before me that, the Council's Highways Engineer concluded that it would be difficult to describe any impact of the proposed development- specifically including overspill parking from the development- as severe. I am satisfied that the demand for visitor spaces, which is likely to be intermittent and time limited, would not exacerbate the demand for on-street parking provision to the degree that there would be an unacceptable impact on highway safety.
9. Given all the circumstances, the resultant loss of one on-street parking space due to the vehicular crossover would not lead to an unacceptable impact on highway safety. Furthermore, I note the Council's Highways Officer did not object to the proposed development and considered that the loss of this single space would not be a sustainable ground for refusing the application.
10. I conclude that, with particular regard to off-street and on-street parking, the proposed development would not have an unacceptable impact on highway safety. There would be no conflict with policy 32 of the LP, in which the Council will ensure that road safety is not significantly adversely affected by the

potential impact of any development, and London Plan policy T4 which requires that development proposals should not increase road danger.

11. There would be no conflict either paragraph 115 of the National Planning Policy Framework (the Framework), which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Other Matters

12. I note concerns related to whether the proposed development constitutes a threat to local flood risk and also the implications for the access to and maintenance of the nearby culverted watercourse. The Environment Agency raised no objection to the proposed development subject to detailed conditions associated with mitigation measures and tying the development to the measures in the submitted Flood Risk Assessment. I am satisfied that such conditions can satisfactorily address these matters.
13. With regards to representations relating to sustainability, the appeal proposal would replace an existing dwelling with an uplift of 3 dwellings. Therefore, the proposed development would constitute more efficient use of previously developed land. Furthermore, the proposed dwellings would meet a higher standard of energy efficiency compared with the existing dwelling.
14. Regarding drainage concerns, I note that the Council's Drainage Officer did not raise objection to the proposal. Both parties agree that matters relating to drainage can be controlled by conditions. I see no reason to disagree and have included conditions as appropriate in the schedule at the end of this decision.
15. I am satisfied that the proposed development would be of an acceptable design that would not have an excessive or negative visual impact on the character and appearance of the area. The proposed dwellings would be reasonably separated from neighbouring dwellings, such that the development would not have a significant or detrimental impact on light, outlook or privacy to neighbouring properties. Furthermore, conditions included in the schedule below address matters related to neighbour amenities and the character and visual amenity of the area and will secure an acceptable development.
16. The absence of harm in relation to other matters including effect on trees and landscaping, are neutral matters weighing neither for, nor against, the proposal. Such matters are addressed in related conditions included in the schedule at the end of this decision.
17. It is evident that congestion and overparking related to the dance studio is a long-term issue. The dance studio is operational seven days a week and therefore, the need to manage this related parking stress in communication with the owners of the dance studio and their clientele is recognised, in order to identify ways to alleviate this pressure- such as encouraging considerate parking, incentivising car sharing and active travel plans. This is outwith the scope of this appeal.
18. The contributory impact on parking arising from commercial uses in the vicinity is acknowledged. However, proximity of the appeal site to these local convenience store, amenities and services including schools and doctors surgery, as well as shops, will enable more sustainable modes of transport such

as walking. For this reason, the proposal is unlikely to exacerbate the demand of on-street parking provision in connection with these services or facilities to any significant degree.

Conditions

19. I have adjusted, or omitted, some of the Council's suggested conditions in the interests of necessity, precision and clarity, in proportion to the scale and nature of the development and to reduce the burden of unnecessary submissions and processing of further applications where sufficient information has already been provided.
20. In addition to the statutory time condition (1), which is required to ensure compliance with Section 91 of the Town and Country Planning Act 1990, a condition listing the approved plans (2) is needed to ensure clarity of what has been permitted. A condition (3) regarding a construction and environmental management plan is necessary to ensure that inconvenience from development during this stage is minimised and properly controlled, in the interests of pedestrian and vehicular safety and to secure the living conditions of surrounding occupiers. By definition this needs to be resolved before demolition begins. Condition (4) is required to ensure that a satisfactory form of development can be undertaken on the site in the interests of visual amenity. Condition (5) refers to materials to be used in the external finishes of the development and is warranted to secure an appropriate palette, in the interests of the appearance of the development and the visual amenities of the area. Condition (6) is required to protect the green character and distinctive appearance of the area. Condition (7) relates to landscaping and is required to secure a visually satisfactory setting for the development and to safeguard residential amenity. It secures the provision of cycle and refuse storage facilities.
21. Condition (8) is necessary to secure access, turning space and the provision of on-site parking of vehicles in the interests of highway safety. To promote carbon reduction and air quality measures a condition (9) for a proportionate amount of vehicle charging points is necessary. Condition (10) is necessary to ensure the structural stability of the culverted river, and to avoid flooding. Condition (11) is necessary to reduce the risks of flooding. Condition (12) is necessary to ensure that surface water run-off is minimised and to reduce flood risk on and off-site. Condition (13) is required in order to minimise the effect of the development on local air quality within an Air Quality Management Area.
22. While the Planning Practice Guidance advises that conditions limiting permitted development rights should only be used in exceptional circumstances, to ensure that sufficient garden space remains for future occupiers, and to protect the appearance of the area, I consider that it is necessary to remove permitted development rights for enlargements and new buildings under Classes A, B, and E. Condition (14) would not prevent such development, but would bring it under planning control. Similarly, to safeguard new and existing occupiers' living conditions, it is necessary to bring first floor flank windows under direct planning control by imposing condition (15).

Conclusion

23. I have found that the proposed development would not have an unacceptable impact on highway safety. Nor would any residual, cumulative impact on the

road network be severe. There would be no conflict with the development plan. The proposed development would provide three additional dwellings to the housing offer in the Borough, which in the context of the Government's objective to boost significantly the supply of housing, would be a benefit of moderate weight. It would also bring some uplift to the local economy from construction services and the patronage of local business and services by its occupiers. Another benefit of moderate weight.

24. The Council's measure on housing in 2021 was a supply of 3.99 years. A 2023 appeal decision recorded a supply of 3.38 years. Applying either figure, the Council's supply falls significantly short, which triggers the presumption in favour of sustainable development. Notwithstanding that presumption, I have found no adverse impacts from the proposed development that could significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework, taken as a whole.
25. For the reasons above, having had regard to the development plan as well as the Framework as a whole and all other matters raised, I conclude that the appeal should be allowed.

N Kempton

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:

Existing Site and Location Plan ref:140-PD-001.

Existing Topo ref:140-PD-008.

Proposed Elevations and Street Scene ref:140-PD-020 revA.

Proposed Floor Plans Units 1-4-ref:140-PD-010.

Proposed Site Plan and Location Plan ref: 140-PD-002 revE.

- 3) No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
 - i. Full contact details of the site and project manager responsible for day-to-day management of the works
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding;

- v. measures to control the emission of dust and dirt during construction;
- vi. measures to reduce demolition and construction noise;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. delivery, demolition and construction working hours.

The approved Construction and Environmental Management Plan shall be adhered to throughout the construction period for the development.

- 4) No development shall take place above the lowest finished ground floor level until full details of the finished floor levels, above ordnance datum, of the ground floor of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development above the lowest finished ground floor level shall commence until details of the materials to be used in the construction of the external surfaces of the houses hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development above the lowest finished ground floor level shall commence until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.

If, within a period of 5 years from the date of planting, any tree that (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

- 7) No development above the lowest finished ground floor level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include the locations and details of bin stores; bike stores; hard and soft landscaping; and any fences or enclosures. The scheme of landscaping shall be carried out in accordance with the approved details in the first planting season after completion or before any part of the development is first occupied, whichever is the sooner.
- 8) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 140-PD-002revE for 4no. cars to be parked and to turn so that they may enter and leave the site in forward gear and that space shall be kept available at all times for those purposes.

- 9) No dwelling shall be occupied until details of at least 2no. electric vehicle charging points, including their location and their power and charging specifications, shall have been submitted to and approved in writing by the local planning authority, and the charging points installed and connected as specified.
- 10) No development shall take place within 8 metres of the River Ravensbourne which runs in culvert along the boundary of the site, as indicated on the proposed site plan, ref:140-PD-002E, until a method statement detailing any construction operations, including temporary and enabling works, programmed to take place within 8 metres of the river have been submitted to and approved in writing by the local planning authority. The approved method statement shall be adhered to throughout the construction period for the development.
- 11) The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by Nimbus Engineering Consultants Ltd (dated June 2021, reference C2353-R2-Rev-B) and the following mitigation measures:
 - finished ground floor levels shall be set no lower than 59.600 metres above Ordnance Datum;
 - inclusion of mitigation measures within the development (Section 5.1);
 - the built development shall not encroach further towards the culverted River Ravensbourne than indicated on the site plan ref: 140-PD-002 rev E).
- 12) The development shall be carried out in accordance with the SUDS report carried out by Nimbus Engineering Consultants Ltd (dated January 2022, ref:2663-R1-REV-A), incorporating a Geocellular Tank and permeable paving to restrict surface water run-off to 0.4l/s unless otherwise agreed in writing by the local planning authority.
- 13) Any gas boilers to be installed in the dwellings hereby permitted must meet a dry NOx emission rate of no more than 40mg/kWh.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, or enlargement permitted by Classes A, B, and E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out within the curtilages of the dwellings hereby permitted without the prior approval in writing of the local planning authority.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order with or without modification), no first floor windows shall be installed in the flank elevations of the houses hereby permitted without the prior approval in writing of the local planning authority.

END OF SCHEDULE OF CONDITIONS Appeal Ref: APP/ G5180/W/23/3330554