



Appeal Decision

Site visit made on 5 November 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/G5180/W/24/3348718

64 Avondale Road, Bromley, BR1 4EP

- 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 Mr and Mrs Sergei and Tatiana Samus against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01010/FULL1.
 - The development proposed is two storey new build house in garden of existing house, maximum height 6.5m.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the site and surrounding area;
 - the effect of the proposal on the living conditions of neighbouring occupiers;
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

3. 64 Avondale Road is a two-storey semi-detached dwelling located on a corner plot at the junction with Alexandra Crescent. It has a long rear garden which contains a variety of shrubs and mature leylandii trees. The boundary of the site with Alexandra Crescent is formed by a continuous close boarded fence.
4. The appeal proposal is for a two-storey, flat roofed dwelling, sited in the rear garden of 64 Avondale Road. The proposed dwelling would therefore have a closer visual relationship with the properties in Alexandra Crescent than those in Avondale Road.
5. Alexandra Crescent is residential in nature comprising mostly traditional semi-detached and detached bungalows, chalets and two storey dwellings of mixed character and appearance, displaying a range of ages, styles and architectural designs. Most dwellings are set back behind front gardens and many are

located within spacious plots, particularly those on the northern side of the Alexandra Crescent and to the east, in Avondale Road.

6. The proposed dwelling would be located at a point just before Alexandra Crescent bends sharply to the north west. It would be adjacent to Nos 4 and 6 Alexandra Crescent which sit on the outer bend and are a pair of traditionally designed semi-detached houses with a high-pitched roof and bay windows on their front elevation. The closest dwelling, 4 Alexandra Road is separated from the appeal site by a single storey garage, with a driveway to the front. Both Nos 4 and 6 are located within large, roughly triangular shaped plots.
7. The proposed dwelling would be sited in a plot which would be considerably smaller than those characteristic of the area. The dwelling would almost abut the northern boundary of the site at two storey level and would also extend close to the eastern boundary of the site. A small lawned area would be provided to the front although much of the frontage of the site would be dominated by parking and cycle storage. An amenity area would be provided to the southern side dwelling but overall, the proposal would appear cramped, dominated by built form and thus overdeveloped. Furthermore, given the closeness of the proposed dwelling to the boundaries of the site, the site layout would appear to offer limited opportunities for tree planting or other meaningful landscaping that might contribute towards mitigating the effects of the development.
8. Consequently, the proposal would distinctly be at odds with the spacious character and appearance of the surrounding area and would fail provide a high standard of separation and landscaping as required by Policy 3 of the Bromley Local Plan (2019) (BLP).
9. The proposed dwelling would have an awkward siting in relation to the angled frontage of 4 Alexandra Crescent due to its proximity and forward projection, further emphasising the cramped, inappropriate nature of the development. Whilst the dwelling would be considerably lower than 64 Avondale Road and Nos 4 and 6 Alexandra Crescent and its first floor element would be inset slightly deeper into the site away from the road frontage, the dwelling would, nonetheless, be of considerable scale and bulk and would be highly prominent in the street scene. Moreover, its modern flat roof design and materials, in the absence of an appropriate setting offering a suitable transition to adjoining development, would further exacerbate its prominence where it would be seen as a highly dominant, incongruous form of development that would be harmful to the character and appearance of the site and surrounding area.
10. The appellant has highlighted that other dwellings in Alexandra Crescent extend across much of the width of their plots. Whilst I do not dispute this, in most cases nearby dwellings retain a gap between two storey flank walls and side boundaries and contribute to the spacious character of the area by virtue of their front gardens and generous rear garden depths. I acknowledge that 1 Alexandra Crescent is a bungalow sited within a comparatively small plot. However, it is single storey in height and has a relatively subservient siting and appearance in relation to the adjoining dwelling. Its short rear garden is not readily apparent and its generous front garden contributes to the spacious character of the street scene.
11. I also acknowledge that the Council has recently approved a chalet style dwelling on a comparatively small plot to the rear of 66 Avondale Road.

However, I note that there is already a pitched roof garage in a similar location. According to the block plan supplied within the appellant's statement, the approved dwelling would generally reflect the staggered siting of the adjacent dwellings to the west and would be set in from the side boundaries of the site. This example does not therefore appear to be directly comparable to the appeal scheme.

12. I therefore conclude on this main issue that the proposed development would have a harmful effect on the character and appearance of the site and the surrounding area. It would be contrary to Policies D3 and D4 of the London Plan 2021 (LP) and Policies 3, 4, 37 and 73 of the BLP. Collectively, these policies require development to be of a high standard of design and layout, achieve high standards of separation and landscaping and to be respectful of local character and reflect local distinctiveness.

Living conditions

13. The Council's main concerns in this regard appear to be in relation to outlook from Nos 4 and 6 Alexandra Crescent.
14. 4 Alexandra Crescent is separated from the appeal site by a single storey garage. Whilst front elevation of 4 Alexandra Crescent is slightly angled towards the appeal site, the main outlook from windows on the front elevation of the dwelling is towards Alexandra Crescent and the rear garden of 66 Avondale Road beyond. Given the separation distance that would be achieved and the oblique angle between the front elevation of No 4 and the appeal proposal, it is unlikely that the outlook from No 4 would be significantly harmed by the proposal. Furthermore, I am satisfied that there would be no significant loss of light to any habitable rooms within No 4.
15. 6 Alexandra Crescent is further from the proposed development and due to the oblique angle, occupiers of that dwelling would have very limited views of the proposed development. I therefore conclude that the outlook from No 6 would not be harmed as a result of the proposal.
16. I concur with the Council that adequate separation would be achieved between the host dwelling and the proposed development and accordingly, the living conditions of the occupiers of 64 Avondale Road would not be significantly harmed.
17. With regard to 62 Avondale Road, whilst the proposed dwelling would be close to the side garden boundary of No 62, it would be sited towards to rear section of the garden and the intervening distance would ensure that it would not be overbearing on living accommodation within the dwelling or on its most utilised garden area. As there are no proposed first floor windows facing directly into the garden of No 62, I also conclude that the proposal would not adversely affect the privacy of the occupiers of that dwelling.
18. I therefore conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of neighbouring buildings and accordingly, would not conflict with Policies D4 and D6 of the LP and Policies 4 and 37 of the BLP, insofar as these policies require development not to have an unacceptable impact on the amenity of existing occupiers.

Highway Safety

19. The appeal proposal would provide one off-street parking space, accessed from Alexandra Crescent.
20. Alexandra Crescent is subject to a 30mph speed limit. The carriageway is relatively wide and, whilst only a snapshot in time, I observed at my site visit that the road was lightly trafficked, with few parked vehicles on the highway. The appellant also highlights that part of Alexandra Crescent appears to be part of a designated cycle route suggesting appropriate traffic conditions for cycling.
21. However, the road conditions I observed on site could lead to vehicles reaching speeds close to 30mph. Having regard to the location of the vehicle access close to a bend in the road, in the absence of any substantive evidence to the contrary in the form of speed surveys, I share the Council's concern that the substandard visibility for the 30mph speed rating of the road could potentially lead to danger and inconvenience to pedestrians and other road users.
22. Furthermore, in the absence of further details, I conclude that visibility from the access would also be likely to be further impeded by the boundary enclosures to the front of the appeal site and around the retained rear garden of 64 Avondale Road. Cars pulling out or reversing out of the parking space would have limited visibility of pedestrians using the pavement and would be reliant on drivers of vehicles using Alexandra Crescent driving at low speed.
23. I therefore conclude on this issue that in the absence of substantive evidence to the contrary, the proposed development would be likely to have a harmful effect on highway safety. Thus, it would be contrary to Policy T4 of the LP and Policy 32 of the BLP which state that developments should not increase road danger or harm highway safety.
24. The Council also refer to Policy T3 of the LP. However, this policy appears to relate to strategic transport and safeguarding proposals and as such is of limited relevance to the appeal scheme.

Other Matters

25. The Council confirm they are unable to demonstrate a five-year supply of deliverable housing sites and that they have performed poorly in relation to the housing delivery test. Paragraph 11d) of the National Planning Policy Framework 2023 (the Framework) is therefore engaged. The proposal, in providing for an additional dwelling would make a small contribution to addressing this shortfall. The Framework also seeks to significantly boost the supply of housing and confirms that small sites can make an important contribution to meeting the housing requirement of an area. There would also be a temporary boost to economic development during construction. The development would also make the efficient use of the site as supported by the Framework and development plan policies.
26. I have taken full account of the above matters that are in support of the proposal. However, I have identified harm to the character and appearance of the site and surrounding area, and to highway safety. Whilst I have not identified harm in relation to the living conditions of neighbouring occupiers, this is to be expected and does not weigh in favour of the development. When

assessed against the policies of the Framework taken as a whole, I conclude that the adverse impacts arising from the development would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not comprise sustainable development.

Conclusion

27. The proposal would conflict with the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

J Davis

INSPECTOR