



Appeal Decision

Site visit made on 21 January 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2025

Appeal Ref: APP/G5180/W/24/3348754

30 Corkscrew Hill, West Wickham, Bromley BR4 9BB

- 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 Rachel Shaw against the decision of the Council of the London Borough of Bromley.
 - The application reference is DC/23/04799/FULL1.
 - The development proposed is demolition of existing garage and erection of three bedroom detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of three bedroom detached dwelling at 30 Corkscrew Hill, West Wickham, Bromley BR4 9BB in accordance with the terms of the application, Ref DC/23/04799/FULL1, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Following the Council's decision on the application that led to this appeal, an updated version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in decision-taking from the date of its issue. The parties had the opportunity to make comments on the bearing of this on the appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the Framework into account in my determination of the appeal.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the character and appearance of the site and the surrounding area, and the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

4. Corkscrew Hill, on its eastern side, is characterised by a regular series of similar two storey houses, with deep catslide roofs and similar dwellings continue around into Courtfield Rise. Whilst many of the houses have been altered, particularly in regard to the addition of dormer windows within the catslide roofs, a pattern of regular gaps between them remains. These gaps contribute to the spacious feel of the locality and provide views through to the more verdant back land beyond. This is particularly the case of corner properties, such as the host dwelling,

30 Corkscrew Hill (No 30), which have significantly larger, triangular plots. This has resulted in much wider gaps between these properties. Due to this they provide a feeling of spaciousness around the junction of Courtfield Rise with Corkscrew Hill.

5. From the above I find that the gaps between dwellings, providing views through to more verdant back land contribute to the feeling of spaciousness of the area, and are positive features contributing to its character and appearance.
6. One of the corner plots, that of 32 Corkscrew Hill (No 32) has been subdivided to provide an additional dwelling fronting onto Corkscrew Hill. This dwelling is known as 32A Corkscrew Hill (No 32A). This has introduced a two storey structure into the gap between No 32 and its neighbour, 34 Corkscrew Hill (No 34). Nonetheless views remain through to the back land beyond and the sense of spaciousness is retained. This is because of the gap retained between Nos 32A and 34 and the roof forms of Nos 32 and 34, with their catslides.
7. The proposed dwelling would sit in the gap between 28 Corkscrew Hill (No 28) and No 30, partially filling the gap. Nonetheless a wide gap of around 2.4 metres would remain between the proposed dwelling and the boundary with No 28. The gap between the proposed dwelling and No 30 would be larger than is the case between No 32 and No 32A.
8. Notwithstanding the additional large dormer in the catslide of No 28, the separation provided between the proposed dwelling and No 30 would be similar to those between other dwellings facing onto Corkscrew Hill and large enough to preserve the openness of the existing pattern of development around the junction and in the wider area. Due to the triangular layout of the plot, the gap provided between the proposed dwelling and No 30 would still respect the pattern of spacing on the Corkscrew Hill frontage when viewed from that street.
9. Whilst views to the more verdant land behind would be reduced, these would still be afforded by the gaps between the proposal and existing dwellings on either side of it.
10. Thus, overall, the proposal would respect the open character of the existing pattern of development in the area, retaining the pattern of gaps between buildings that I have identified above as contributing to the character and appearance of the area and it would not appear cramped within its plot.
11. I conclude that the proposal would not adversely affect the character and appearance of the site and the surrounding area and would accord with Policies 4, 8 and 37 of the Bromley Local Plan (2019) (the Local Plan) and Policies D3 and H2 of the London Plan (2021) (the London Plan), in as much as these, amongst other things, promote a high standard of design in new development such that it responds to local distinctiveness and integrates well with its surroundings in such a way as to make the best use of land.

Living Conditions of neighbours

Outlook

12. Corkscrew Hill rises steadily as it passes the site, such that No 30 lies at a higher level than No 28. Both No 30 and No 28 have doors and windows facing towards the appeal site. However, the façade on No 30 facing the site is set at an angle of

roughly 45 degrees to the side elevation of the proposed dwelling. This, together with the separation distance, and the difference in levels between the two properties, would reduce the impact of the bulk of the proposal on views from the windows on No 30 that face towards the proposed dwelling. Thus, the proposed dwelling would not be unduly intrusive in views from these windows or to persons accessing the door.

13. No 28 has clear windows facing towards the site. In contrast to No 30, these windows would face directly towards the proposed dwelling. On the upper floor these are clear glazed and serve bedrooms. There is also a door on that elevation. These upper storey windows of No 28 currently enjoy a view towards No 30, unimpeded at that level.
14. Currently the door and accessway to that side of No 28 is bordered by the solid wall of a garage and a fence set on the boundary. The proposal building would be of two storeys. However, it would be set back off the boundary. Overall, given the setback the proposal would not significantly increase the sense of enclosure when standing at the door, or in the passageway. In any event such use would be transitory.
15. The proposal would be taller than the existing garage and would extend further back into the site. However, it would be set back away from the boundary and the windows and the roof would be sharply angled away. This, together with the separation distance would reduce the impact of the bulk of the proposal on the windows facing the proposed dwelling.
16. Even taking into account the difference in ground levels between No 28 and the proposal dwelling, given the separation distance I do not consider that the flank wall of the proposed dwelling and its roof would create an unacceptable feeling of enclosure for persons standing at those windows looking out. Whilst acknowledging that there would be some loss of outlook to all of these windows, I find that the impact on this would not be sufficient to affect the occupiers' living conditions to such a significant degree as to be materially harmful.
17. Whilst not referenced within the reasons for refusal, neighbours have raised concerns regarding the effect of the proposal on their living conditions with regard to natural light and privacy.

Natural light

18. It has been brought to my attention that an occupier of the neighbouring house has a disability and is sensitive to poor lighting conditions. The affected windows in No 28 face north. They do not, therefore receive direct sun and there would be no loss of sunlight. On the basis of the evidence before me and given the setback of the proposed dwelling from the boundary and the slope of the roof, persons within the rooms on that side of No 28 would be likely to experience a reduction natural light, but, by virtue of the separation between the affected windows and the proposed dwelling, not to such a degree as to be harmful.

Privacy

19. The proposed dwelling would have windows facing towards the neighbouring properties. However, facing No 30 the windows would, at ground floor level, serve a hall and a utility room. At second floor level the windows would serve a landing

and an ensuite shower room. None would be habitable rooms or rooms within which occupiers would be anticipated to spend significant amounts of time. A single window would face towards No 28, and this would serve a bathroom.

20. The ensuite and utility room windows are identified on the plans as having obscure glazing and their method of opening could be controlled by condition. Views from the ground floor side windows could be addressed through the imposition of a planning condition to control the boundary treatment. Under such circumstances, there would be no significant perception of surveillance from the proposal's side windows towards No 30.
21. The window facing the upper-storey windows in No 28 would serve a bathroom and be obscure glazed. As I have identified above, its method of opening could be controlled by condition. Thus, there would be no loss of privacy to persons using the rooms within No 28.
22. I conclude that the proposal would not unacceptably harm the living conditions of the occupiers of neighbouring properties. It would thus accord with policies 4, 8 and 37 of the Local Plan and policies D3, D6 and H2 of the London Plan which, amongst other things, require new development to protect and respect the living conditions of existing occupiers.

Other Matters

23. Interested parties have queried whether the drawings are an accurate representation of the proposals, particularly in regard to levels. No substantive evidence has been provided on which to doubt the accuracy of the drawings and in any case the levels of the development can be effectively controlled through the imposition of a planning condition.
24. I am aware of concerns over highway safety expressed by local residents and councillors. I am satisfied that there is adequate space within the site to accommodate the parking required by the proposed and the host dwellings such as to satisfy policy. I am also satisfied that sufficient space is retained so that cars using these spaces can turn within the site to enter and leave in forward gear.
25. The proposal would share the existing vehicular access with the host dwelling. Whilst it is located close to the junction of Courtfield Rise with Corkscrew Hill and a pedestrian refuge assisting persons to cross the road, there is no substantive evidence before me to demonstrate that the intensification of use of the access would engender an unacceptable increase in risk on the highway network.

Conditions

26. I have considered the conditions suggested by the Council, having regard to the provided by the Planning Policy Guidance.
27. Condition 1 limits the time within which the development must be begun and is necessary to comply with the requirements of legislation, and to prevent the accumulation of unimplemented planning permissions.
28. Condition 2 is necessary to provide certainty in what this permission authorises and ensure compliance with policy 37 of the Local Plan, which relates to achieving an appropriate design of development.

29. Details of surface water drainage are required to ensure that the proposal does not increase the risk of flooding or pollution so as to satisfy the aims of policy SI13 of the London Plan and policies 115, 116 and 117 of the Local Plan. Condition 3 makes provision for this.
30. The site lies within a residential area on a bus route. Thus, a Construction and Environment Management Plan is necessary so as to safeguard the amenity of local residents and ensure the safe and efficient operation of the highway network and in so doing achieve the aims of policies 30, 31, 32 and 119 of the Local Plan. This is ensured by Condition 4. As any works on site have potential to impact neighbour's amenity or highway safety the plan is needed prior to the commencement of any work on site. The appellant has agreed the wording and necessity for this condition.
31. The Council has suggested conditions requiring details of landscaping, boundary treatments and planting. Such details are necessary to ensure that the visual appearance of the proposal is acceptable, and that existing planting is protected such that the amenity of occupiers of neighbouring properties and visitors to the area is protected in accordance with the aims of policies 37, 73 and 74 of the Local Plan. Similarly, the materials used in the construction of the development must be controlled to ensure that its appearance is acceptable. These aims are achieved through Conditions 5 and 6.
32. Condition 7, requiring the submission of details for the storage of refuse and recyclable materials is necessary so as to safeguard residential amenity and to support the sustainability of the site, thereby achieving the aims of policy 37 of the Local Plan.
33. Condition 8 secures and retains the provision of suitable cycle parking within the site. This is necessary to ensure that the development has suitable access to sustainable modes of transport and to reduce reliance on the private car, in accordance with the aims of Policy T5 of the London Plan.
34. It is necessary, in the interests of highway safety and residential amenity, to secure adequate space for car parking within the site, and for their manoeuvring to enter and leave the site in forward gear. This seeks to achieve the aims set out in policy 30 of the Local Plan and is secured by Condition 9.
35. I have considered the restriction on future development requested by the Council's suggested condition would be too restrictive and therefore unreasonable. However, I agree with the Council that some restriction is required to ensure that the development continues to respect the living conditions of surrounding occupiers and the character and appearance of the locality. To this end I have, through Conditions 10, 11 and 12, restricted any future enlargement of the proposed dwelling, the construction of any garages within its curtilage and the insertion of any doors and windows into the side elevations to preserve the living conditions of neighbouring occupiers.
36. In order to preserve the character and appearance of the locality and the living conditions of surrounding occupiers in accordance with the aims of policy 37 of the Local Plan, Condition 13 secures details of levels. As such levels would have an impact on the final, detailed design of the proposed development it is necessary that they are determined prior to the commencement of works on site. The appellant has agreed the wording and necessity for this condition.

37. In order that the development should accord with the aims set out in policy D7 of the London Plan and the Mayor's Housing Supplementary Guidance, the Council have suggested a condition requiring that the development must be built in accordance with the criteria set out in Building Regulations M4(2). These are optional requirements within the building regulations and thus need to be secured through a condition and I have thus included Condition 14 to do so.
38. Condition 15 is necessary to ensure the safety of pedestrians and passing vehicles by securing adequate visibility for vehicles egressing the site. In so doing it fulfils the aims of policy 32 of the Local Plan.
39. The site lies within an Air Quality Management Area and thus Condition 16, controlling NOx emissions is necessary in order to comply with policy 120 of the Local Plan and policy SI1 of the London Plan.
40. The Council has also suggested a condition requiring the use of obscure glass for the first-floor bathroom and ensuite facility windows. As this is marked on the approved plan it is not necessary. However, details of the method of opening for the non-fixed sections of these windows and retention of the obscure glazing and the means of opening are necessary to protect the living conditions of neighbouring occupiers and so I have secured the provision of such details within Condition 17.
41. The Council has suggested a condition requiring the provision of Electric Vehicle Charging Points. Such are indicated on the drawings and are also required under the Building Regulations. Therefore, a condition to require their provision is unnecessary.
42. Finally, I have, through Condition 18, secured the safety of occupiers of the building in regard to the risk of fire. This achieves the aims of policy D12 of the Local Plan.
43. The Council has suggested a condition preventing the use of loose material for surfacing the parking and turning areas for motor vehicles within the site. Whilst I understand their aim of preventing the tracking of loose material onto the highway, to the detriment of highway safety, a condition secures details of hard landscaping and so a further condition duplicating the requirement of details is unnecessary.
44. The Council has suggested a condition restricting the installation of plumbing, pipes or other services on the exterior of the building. Such a condition is unnecessarily restrictive on future occupiers' enjoyment of the property and is therefore unreasonable.
45. I have amended the wording of the Councils suggested conditions for clarity and to ensure that, where necessary, required items are retained so that they are available for the use of the development. Where I have added conditions the parties have had the opportunity to comment on them and I have taken any comments received into consideration in my decision.

Conclusion

46. I have found that the development would not have a harmful effect on the character or appearance of the site or the surrounding area, nor would it unacceptably harm the living conditions of the occupiers of neighbouring properties in respect of outlook, privacy or daylight. These findings indicate that

the appeal should be allowed. This decision would give rise to some adverse impact in terms of loss of daylight for the occupiers of 28 Corkscrew Hill and would affect a person with a disability. However, I have found that the proposed development would not result in a loss of daylight such that the occupiers would suffer unacceptable harm to their living conditions. The development would not conflict with policies 4, 8 and 37 of the Local Plan and policies D3, D6 and H2 of the London Plan.

47. I am satisfied that a grant of planning permission would not unacceptably interfere with the neighbours right to a private and family life or home and accords with the aim of eliminating discrimination and advancing equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. It is proportionate in these circumstances to allow the appeal.

I A Dyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.
- 3)
 - (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) the following information shall be submitted to and approved in writing by the local planning authority:
 - (i) a scheme for the provision of surface water drainage for the whole site;
 - (ii) details of surface water drainage system to prevent the discharge of surface water from the driveway parking area on to the highway.
 - (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 the drainage hierarchy contained within the London Plan Policy SI 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 (2 litres/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 and retained for that purpose thereafter.
- 4) No development shall commence on site (including demolition) 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) Measures to reduce demolition and construction noise;
 - d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalised travel and traffic routes to and from the site as well as within the site;
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity;

- (iii) Measures to deal with safe pedestrian movement;
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works;
 - (v) Parking for operatives during construction period; and:
 - (vi) A swept path drawing for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation;
 - (f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis; and:
 - (g) The development shall be undertaken in full accordance with the details approved under Parts a-f
- 5) i) Prior to commencement of above ground works details of the treatment of all parts on the site not covered by buildings 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. Details shall include:
- a) 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;
 - b) Proposed hardstanding and boundary treatment;
 - c) A schedule detailing sizes and numbers of all proposed trees/plants;
 - d) Sufficient specification to endure successful establishment and survival of new planting.
- (ii) 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.
- (iii) Any new tree(s) that die(s), is/are 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 written permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.
- 6) (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.
- (b) The development shall be carried out in accordance with the approved details.

- 7)
 - (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.
 - (b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 8)
 - (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.
 - (b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 9) Before commencement of the first occupation of the dwelling hereby permitted parking spaces and turning space for the proposed and existing dwellings shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land indicated or in such a position as to preclude vehicular access to the said land or garages.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement of the dwelling hereby permitted shall be carried out, without the prior written approval of the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages shall be erected within the curtilage of the dwelling hereby permitted, without the prior written approval of the local planning authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or doors, other than those shown on the approved plans shall at any time be inserted into the side elevations of the dwelling hereby permitted without the prior approval in writing of the local planning authority.
- 13) No development shall take place until details of the existing site levels and proposed slab, eaves and ridge levels of the dwelling hereby permitted are submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels.
- 14) The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

- 15) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected.

No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1 metre in height and these means of enclosure shall be permanently retained as such.

The boundary treatment shall be completed prior to the first occupation of the dwelling hereby permitted. Development shall be carried out in accordance with the approved details. The approved boundary treatment shall thereafter be permanently retained as approved.

- 16) The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality any gas boilers must be installed and maintained so as to meet a dry NO_x emission rate of <40mg/kWh
- 17) No development above slab level shall take place until details of the method of opening for the proposed obscure glazed windows to the first floor bathroom and ensuite facility, shall be submitted to and approved in writing by the local planning authority. Before first occupation of the proposed dwelling the obscure glazed windows and means of opening shall be installed and permanently retained in the approved condition thereafter.
- 18) The development hereby permitted shall be built in accordance with the recommendations and criteria set out in the hereby approved Fire Statement and Part B of the Building Regulations and shall be permanently retained thereafter.

END OF CONDITIONS