



Appeal Decision

Site visit made on 20 January 2016

by **P Jarvis Bsc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2016

Appeal Ref: APP/G5180/W/15/3133381

6 Ladywood Avenue, Petts Wood, Orpington, Kent BR5 1QJ

- 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 Heniam Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/01312/FULL1 dated 27 March 2015 was refused by notice dated 5 August 2015.
 - The development proposed is demolition of 6 Ladywood Avenue (former Friends Meeting House) and construction of 2 no. two storey detached five-bedroom dwellings with new vehicular access from Ladywood Avenue and associated parking.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect on the character and appearance of the locality including the Area of Special Character (ASC).

Reasons

3. The appeal site is located on the corner of Ladywood Avenue and Greencourt Road. It is a larger than average plot within the immediate area, with the existing Friends Meeting House sited towards the southern boundary with open garden areas to the front, side and rear. The existing building is two-storey; of similar appearance and proportions to the adjoining residential dwellings, albeit has a large single-storey rear addition and thus has a greater footprint than the majority. The dwellings within the locality consist of a mixture of detached and semi-detached properties of mainly inter-war age, predominantly with white rendered elevations, bay windows and timber framing under hipped or pitched tiled roofs.
 4. The site lies in the Petts Wood ASC in respect of which Policy H10 of the London Borough of Bromley Unitary Development Plan (2006) (UDP) states that development will be required to respect and complement the established and individual qualities of the individual areas as identified in Appendix 1. The appendix sets out further guidelines including that development should accord with the general density, spatial standards, pattern and height of existing development. The description of the area notes that the dwellings were built over a number of years of similar though varied styles but with a road layout and plot size established in an overall pattern.
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5. More recently the Council has supplemented the above description with an updated statement which refers to the original garden suburb design with large plot sizes spaciouly placed and characteristics including an open feel, low boundaries, visible front gardens and greenery giving the area an open feel.
6. I consider that many of these attributes are found within the locality of the appeal site. Ladywood Avenue is a pleasant tree lined road with grass verges enhanced by further mature planting within front gardens. The mature trees, some of which are the subject of tree preservation orders, and other vegetation on the appeal site, contribute greatly to this character with the open corner and side garden giving a more generous feeling of spaciousness to this corner location.
7. The proposed dwellings would front onto Ladywood Avenue, set back a similar distance as others along the western side of the road, one occupying a similar position to the existing building and the other located in the northern half of the site towards the Greencourt Road frontage.
8. However, they would have much greater footprints than the majority of the surrounding dwellings with deep, square forms and central flat 'crown' roof, extending to a greater depth on the site. Although when viewed 'face on' in the Ladywood Avenue streetsence, the dwellings would appear to be of similar bulk and height to those adjoining, when viewed from further to the south and from the north along Ladywood Avenue and west along Greencourt Road, the uncharacteristic bulk and crown roof form of the dwellings would be discernible.
9. In particular, the view of the dwelling on plot 2, to the north of the site, from both Ladywood Avenue and Greencourt Road, would present long side and rear elevations with large bulky side dormer addition, the overall proportions and scale of which would not be sympathetic to the generally more modestly scaled built form of the existing dwellings. In addition, there would be extensive areas of hardstanding within the Ladywood Avenue streetscene.
10. Whilst an area of landscaping at the northern corner of the site and boundary hedging would be provided, this together with the preserved trees would in my opinion be insufficient to mitigate the harmful impact that the excessive amount of built form proposed would have, nor would it reflect the green and spacious quality of the area.
11. Overall, I therefore find that the proposal would have a harmful effect on the character and appearance of the locality and Petts Wood ASC. It would thus conflict with UDP Policies BE1, H7 and H10 which seek to ensure that development proposals are of a high standard of design and layout that recognise and complement the scale, form and layout of adjacent buildings and areas, and as noted above, respect the individual qualities of the ASC.
12. There would also be conflict with Policies 3.4 and 3.5 of the London Plan, which although seeking to optimise housing output, state that local character and context should be taken into account and seek to protect and enhance London's residential environment and attractiveness.
13. For the reasons set out above, the proposal would also fail to comply with the National Planning Policy Framework which, in recognising that good design is a key aspect of sustainable development and seeking to optimise the potential of a site to accommodate development, also aims to respond to local character and reflect the identity of local surroundings.

14. I acknowledge that the dwellings are, in themselves, well-designed properties that reflect some of the detailing and characteristics of the surrounding properties. However, it is the overall scale and bulk of the proposed dwellings that I consider would be out of keeping with the built form of those within the locality of the site and which provide its local context. This overall level of harm would not in my view be outweighed by any benefits arising from the provision of the housing.
15. I have noted the appeal decisions referred to by the parties, particularly in respect of a site in Willett Way at the far western end of Greencourt Road. However, in the latest decision in 2015, which allowed a scheme for the replacement of the existing dwelling with two dwellings, the Inspector noted that there were dwellings of considerable bulk within the immediate area, some on very constrained plots.
16. Whilst some dwellings within the more immediate locality of the appeal site have been extended, I would not describe them as being of considerable bulk nor have they altered the predominant character, which remains of more modest built forms, to the extent that the proposal could be said to be in keeping. Furthermore, having viewed the Willett Way site and its surroundings, I consider that whilst it is in the ASC, its immediate environs are rather different to the appeal site before me. In addition, it has different characteristics and in particular it is not a corner site.

Conclusion

17. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR

Appeal Decision

Site visit made on 3 May 2016

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2016

Appeal Ref: APP/G5180/W/15/3141139

2 Woodland Way, Petts Wood, Orpington BR5 1ND

- 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 Sobowale against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/03933/FULL1, dated 9 September 2015, was refused by notice dated 23 November 2015.
 - The development proposed is described as a new detached 3 bedroom development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises part of the side and rear garden of an existing detached dwelling. It is of an irregular shape with the widest part of the appeal site being at the front nearest to Woodland Way, it then narrows significantly at the rear. The front boundary of the appeal site adjacent to Woodland Way is marked by a low brick wall with a solid timber fence above with the side boundary away from the existing dwelling marked by a timber fence and landscaping both within the appeal site and within neighbouring gardens. The appeal site is mainly laid to lawn and it allows views through the site to mature landscaping to the rear. It makes a positive contribution to the character and appearance of the area. The appeal site is located within the Petts Wood Area of Special Residential Character (ASRC) and the immediate surrounding area mainly comprises detached and semi-detached dwellings in generous sized plots with reasonable spacing between dwellings.
 4. The proposed detached two storey dwelling is located reasonably close to the existing dwelling. The gap between the side elevations of the existing and proposed dwellings is uncharacteristically small for the immediate surrounding area. The footprint of the proposed dwelling is located close to the side boundaries of the appeal site and the plot size is relatively small. The restricted size and irregular shape of the appeal site means that the proposed dwelling appears cramped and this cramped appearance in relation to the
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existing dwelling is emphasised by the much larger gap to the other side of the appeal site adjacent to 2A Woodland Way. These factors combined with the loss of openness that would result from the proposal means that there would be a consequent adverse impact on the character and appearance of the area.

5. My attention has been drawn to the size of the gaps between other properties on Woodland Way, Manor Crescent and Towncourt Crescent which are said to be less than the gap proposed. However, though I have had regard to the examples given and whilst I note that in some cases the size of the gap between dwellings is similar or less than that proposed, the majority of the properties are on different roads to the appeal site and the proposal would not therefore be viewed in the same context as these properties. By contrast at my visit I noted that the semi detached properties on the opposite side of Woodland Way to the appeal site have consistently wide gaps between properties at first floor level and in my view these properties provide a more appropriate comparison to the proposal.
6. Reference has also been made to a number of appeal decisions including one which was allowed at 63 Willet Way (Ref DC/14/02860/FULL1). This appeal concerned the demolition of a dwelling in the ASRC and its replacement with two detached dwellings. The Inspector dealing with the appeal concluded that the proposal at Willet Way would not be harmful to the character and appearance of the area and that whilst the gaps to the side of the dwelling contributed to the spacious nature of the immediate area that they were not typical and a reduction in the gaps would not inevitably be harmful. I have been provided with a site plan of the proposal at Willet Way. Whilst I note the Inspector's findings in this case, I am not aware of the details or particular circumstances relating to this case and I note that the Inspector described the area around the Willet Way proposal as rather varied. It seems to me from the available information that the two proposals are not directly comparable and that the surrounding context is different.
7. The other appeal decision relates to 2 Queensway (Ref DC/13/01014/FULL1). I have not been provided with any details of the proposal at Queensway but my attention has been drawn to the Inspector's conclusion regarding the proposed gardens. The appellant states that in this case the dwellings were larger and the size of gardens similar to that proposed by the appeal proposal. However in the absence of any details regarding the scheme at Queensway I am unable to compare the proposals. In any event, in this case the Council's concerns in relation to the proposed garden centre mainly on how the garden area of the proposed dwelling would affect the character and appearance of the area and not the living conditions of future residents. Therefore whilst I have had regard to the appeal decisions provided, I must determine the proposal before me on its own merits.
8. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It would therefore be contrary to policies BE1, H7 and H10 of the London Borough of Bromley Unitary Development Plan and to relevant paragraphs of the National Planning Policy Framework. These policies seek, amongst other things, development that is of a high standard of design and layout and which does not detract from the existing streetscene.

Other Matters

9. I note that pre application advice was given by the Council and that the proposal sought to address the issues raised at that stage. I also note the appellant's view that the proposal complies with the relevant policy and guidance regarding spacing. However, for the reasons stated, the proposal is considered to be harmful to the character and appearance of the area.

Conclusion

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR