

Appeal Decision

Site visit made on 12 November 2013

by **Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

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

Decision date: 9 December 2013

Appeal Ref: APP/G5180/A/13/2198830

Billingsford, Elstree Hill, Bromley, Kent, BR1 4JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Engin Ozdemir (Southeast Developers) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/12/03024/OUT, dated 18 September 2012, was refused by notice dated 14 May 2013.
 - The development proposed is demolition of detached house and replacement with block of 4 x 2 bed and 3 x 1 bed flats including provision of new access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with approval also sought for access, layout and scale at this stage. The appellant has also submitted illustrative elevations for the proposed building. I have dealt with the appeal on this basis.

Main Issues

3. The main issues in this case are the effects of the proposal on:
 - the character and appearance of the area
 - the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal site currently accommodates a substantial, two storey, detached house with parking in the front garden. It is, therefore, typical of the built form of most other houses in the area, albeit that there is some variation in their age and architectural style. The three storey terraced houses in Ullswater Close are separate and distinct in their character.
 5. The Council describes the site as being a prominent corner plot which, the appellant argues, justifies a more assertive feature. However, the proposed building would sit back from the junction of Elstree Hill and Kirkstone Way which,
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in any case, is only a narrow lane. In my view, this location is not of sufficient townscape significance to warrant a feature building.

6. The proposed building would provide accommodation over four floors. I recognise that the mass of the building has been broken up with single and two storey elements towards the rear of the site. Nevertheless, when viewed from Elstree Hill, the principal elevation would show three floors of accommodation and, despite occupying roughly the same footprint as the existing building, would be significantly more bulky. The proposed building would have two storeys plus loft accommodation across the full width of this elevation, in contrast to the existing building, which, in this view, is made up of single and two storey elements. This disproportionate increase in scale and bulk would be apparent from public viewpoints on Elstree Hill adjoining the site, notwithstanding that the building would be set back from the site frontage.
7. The ridge of the proposed building would also be considerably higher than the existing building. Whilst it would be lower than the ridge height of the adjoining Yew Tree Lodge, that is a function of the sloping ground level and would not justify the increased height of the building.
8. The appellant argues that the height of the building could be controlled by condition. However, scale is a matter for determination at this stage and there is nothing in the submissions to suggest what reduced height may be acceptable or whether any such reduction could be achieved without compromising the scale of development proposed.
9. Glimpses of the south elevation of the proposed building would be available through the Elstree Hill site boundary vegetation. This wing of the building would be three storeys high with a pitched roof containing loft accommodation above. Although one floor of this wing would be partly below ground level, compared with the single storey wing of the existing house it would replace, this part of the proposed building have a dominating effect in views along Elstree Hill, particularly in relation to 27, and having regard to the falling ground level.
10. Whilst the Council is concerned about the visual effect of the parking proposed in front of the building, I recognise that this area is currently largely hard surfaced and that the proposed relocation of the access would, if anything, reduce views to this part of the site. The decision notice also states that the proposal would be an 'overintensive' use of the site. However, apart from the issues addressed above, the Council has not provided substantive evidence to support this contention.
11. Nevertheless, the scale and bulk of the proposed building would jar with its neighbours. The proposed building would be out of proportion with both Yew Tree Lodge and 27 Elstree Hill and, therefore, have a harmful effect on the character and appearance of the area. Consequently, it would conflict with Bromley Unitary Development Plan (UDP) policies BE1 and H7 which require housing developments, among other things, to achieve a high standard of design and to complement the qualities of the surrounding area.
12. The appellant contends that the density of the proposal, measured in units or rooms per hectare, is within the range set out in the density matrix at Table 3.2 of the London Plan. However, the Council's highway consultation response advises that the site has a low PTAL rating of 1b. Moreover, based on the notes

to Table 3.2, the appeal site location is best described as 'suburban'. On that basis, Table 3.2 suggests a density range of 50 to 75 units per hectare for units with 2.7 to 3.0 habitable rooms. This is less than the appeal scheme density of 77.8 units per hectare and, therefore, the density matrix does not support the proposal. In any event, my concerns relate to the site specific effects of the proposal.

Living Conditions

13. The rear garden, dining room and bedroom windows of 27 Elstree Hill face the appeal site. The outlook from the rear of this house is already constrained by the sizeable difference in levels between the two properties, as well as fencing and planting. This makes the outlook which is available particularly sensitive to change. Compared with the existing building, the southern and western (rear) wings of appeal proposal would add significantly to the height and bulk of built development facing 27. This would further curtail occupiers' views to the sky and have an oppressive impact. Therefore, although views would be filtered by intervening planting, given the sensitivity of the outlook, I consider that the effect on the living conditions of the occupiers of 27 would be unacceptable.
14. The Council has also raised a concern regarding the effect of the proposal on the outlook of the occupiers of The Chalet to the west of the site. Although the proposed building would be slightly nearer to the boundary with The Chalet than the existing house, the closest part would be single storey in height. Moreover, the window, door and garden area of The Chalet facing the appeal site appear not to provide the main outlook for occupiers. As such, I consider that the proposal would not have a harmful effect on the living conditions of the occupiers of that property.
15. Nevertheless, by virtue of its effect on the occupiers of 27 Elstree Hill, the proposal would conflict with UDP policy BE1 which, among other things, requires proposals to respect the amenity of occupiers of adjoining buildings. The decision notice also refers to UDP policy H7. However, this policy does not refer specifically to the residential amenity or living conditions of neighbouring occupiers and, therefore, adds little to my consideration of this issue.

Other Matters

16. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.
17. There is nothing to indicate that the development plan policies referred to above are in conflict with the National Planning Policy Framework (the Framework). The Framework (paragraph 11) requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst it also encourages a positive approach to decision taking, this does not outweigh the conflicts with the development policies identified above.

Conclusion

18. For the reasons outlined above, the appeal should be dismissed.

Simon Warder

INSPECTOR