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# Appeal Decision

Site visits made on 15 and 17 February 2016

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 23 February 2016

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**Appeal Ref: APP/G5180/W/15/3135093**  
**Billingford, Elstree Hill, Bromley BR1 4JE**

- 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 E Ozdemir against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/15/01673/FULL1, dated 20 April 2015, was refused by notice dated 5 August 2015.
  - The development proposed is demolition of existing dwelling and replacement with block of 4 x 2 bed and 1 x 1 bed flats; provision of new access.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effects of the proposed development on:
  - a) the character and appearance of the area;
  - b) the living conditions of occupants of nearby dwellings in relation to visual intrusion.

## Reasons

### *Character and appearance*

3. Billingford, a substantial, two-storey detached house currently occupies the appeal site. Due to the surrounding topography it is in an elevated position near the junction of Elstree Hill with Coniston Road. However, it is set back from Elstree Hill and its northern elevation faces Kirkstone Way, a narrow street that provides access to a further two properties, The Chalet and Chestnut Bungalow. Much of Billingford's plot is to the east and south of the house and the area immediately in front of it is paved and used for parking. The land to the south falls away sharply and the garden has been partially landscaped to accommodate this change in levels. It includes a terrace and small areas of lawn. Vegetation and trees along the boundary of the site with Elstree Hill provide effective screening from the surrounding area.
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4. The appellant seeks permission to replace the existing dwelling with a building that would provide four 2-bedroom and one 1-bedroom flat. It would be a combination of two and three storeys incorporating a lower ground floor. It is an amended scheme following the dismissal of a previous appeal, Ref: APP/G5180/A/13/2198830 and seeks to address the previous Inspector's concerns in relation to that proposal.
5. The proposed development would occupy a similar footprint to that of the current dwelling. However, there are some important differences. Firstly, the depth of the building would be increased with the front elevation brought closer to Elstree Hill. Although this would make the building appear more prominent, it would still be well set back from the street. However, the depth of the flank elevation facing Kirkstone Way would be enlarged resulting in an increase in the expanse of bland brickwork on this side of the house. This would increase the sense of enclosure along this short, narrow street, which is already bounded by the high hedges at the rear of Yew Tree Lodge.
6. Secondly, the proposed building would be more bulky at roof and first floor level than the existing house. When viewed from Elstree Hill the main ridge of the roof would be marginally higher but noticeably wider than the existing dwelling. The inclusion of two small gables would help to alleviate its overall bulk. The previous Inspector was particularly concerned about the proposed height of the earlier scheme in relation to Yew Tree Lodge. However, the removal of the accommodation in the roof space and the reduction in the number of windows facing the street has altered the overall appearance of the building as well as its height. I am therefore satisfied that in this regard my colleague's concerns have been adequately addressed.
7. However, the proposed building would still be wider at first floor level than the existing dwelling. The existing simple, single storey extension has a flat roof and is clearly subservient to the main dwelling. This would be replaced with a two-storey element that includes a catslide roof. It would therefore significantly increase the width, mass and bulk of the building on its southern side. Notwithstanding the lower height of the ridge on this element, it could not be read as a subservient extension to the remainder of the building, partly because it is not set back from the front elevation. The inclusion of the small area of flat roof would be an alien feature that is not typical of roofs elsewhere in the locality. It suggests that the design is an attempt to increase the depth of the building without a corresponding increase in its height. Whilst the intention may be to reduce its effect on the adjoining property, No 27, the result would be a contrived form of design that would appear awkward and disproportionate.
8. The existing building is considerably larger than many of its neighbours. The amended scheme would be smaller and less bulky than the previous proposal. It would not appear too tall in relation to Yew Tree Cottage and its stepped profile would better reflect the sloping topography of Elstree Hill. It would therefore appear less prominent to anyone coming up the hill. However, it would still be a bulky building that would be out of proportion with No 27 and other adjoining properties, including those on Kirkstone Way. I am therefore not persuaded that the reduction in scale and other changes to the proposed design are sufficient to fully overcome the concerns expressed by my colleague and which led him to reject the earlier scheme.

9. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. It would not comply with saved Policies BE1 of the London Borough of Bromley Unitary Development Plan (UDP) and Policy 7.4 of the London Plan, which require housing developments to achieve a high standard of design and have regard to the scale, mass and orientation of surrounding buildings.

*Living conditions*

10. The rear garden of 27 Elstree Hill is small and at its narrowest point is only about 4m from the southern boundary of the appeal site. There is a significant difference in levels between the two sites and the garden of No 27 comprises a series of narrow terraces with a substantial retaining wall along the shared boundary. Vegetation along the boundary provides additional screening. All the windows in the rear elevation of No 27 face the appeal site.
11. The current situation means that the outlook from the rear of this house is already highly constrained. It is just possible to see the roof of Billingford from the windows serving the kitchen and dining room. However, from the breakfast room the outlook is completely enclosed by the rear garden wall and vegetation. I concur with my colleague that this makes any change to the outlook arising from the proposal particularly sensitive. The increased bulk and width of the appeal scheme would bring the western section of the upper part of the building closer to the shared boundary. This would result in the ground floor and garden of No 27 experiencing an increased sense of enclosure.
12. The situation at first floor level is also very sensitive. The outlook from both bedroom windows of No 27 is dominated by the bulk of Billingford due to its position on higher ground. The appeal scheme would materially alter the outlook by reducing views of the sky as a result of the additional bulk at first floor level on the western and southern sides of the building. In my view the proposed development would appear overbearing and oppressive. I consider this to be the case irrespective of the principle building line being moved forward by 2m. The provision of additional landscaping would not address this issue, as the primary purpose of such a scheme would be to integrate the development into its surroundings, rather than to obscure the building from some particular viewpoint. In any event, landscaping cannot be relied upon as a permanent feature to make the scheme acceptable.
13. At the moment the bedrooms of No 27, particularly the one on the western side, are overlooked from the living room, study and bedroom 3 of Billingford. This affects the privacy of the neighbours. The appeal proposal specifically excludes windows that would face No 27. This would be a benefit insofar as it would remove direct overlooking and increase the level of privacy for the occupants. However, in order to achieve this the proposed development would comprise a collection of blank walls and expanses of roof. The bland appearance of these features would further increase the sense of enclosure and overbearing impact of the building on No 27, particularly as they would be closer to the shared boundary than the existing building. In my view these harmful effects would not be diminished or offset by improvements in the levels of privacy.

14.I conclude that the proposal would be an un-neighbourly form of development that would be harmful to the living conditions of the occupants of No 27 arising from visual intrusion. It would therefore be contrary to saved Policy BE1 of the UDP, which requires proposals to respect the amenity of occupiers of adjoining buildings.

### **Other matters**

15.I have had regard to other issues raised by local residents in relation to the scheme. These include provision of amenity space for the occupants of the proposed flats, the adequacy of the parking area and associated space for manoeuvring vehicles, cycle storage and windows that could introduce overlooking of other neighbouring properties. Whilst these add to my concerns about the scale of the proposal and its effects on the neighbours, none have been determining matters in this case.

### **Conclusion**

16.I have found that the scheme would be harmful to the character and appearance of the surrounding area, notwithstanding the amendments that have been incorporated to address the concerns of the previous Inspector.

17.I accept that the proposal would provide additional privacy for the occupants of No 27 and would not result in unacceptable loss of daylight or sunshine. However, these positive aspects of the scheme do not address the issues arising from the proximity of the proposal to No 27 and its position on higher ground. These matters have led me to conclude that the additional bulk and mass of the building would be visually intrusive resulting in unacceptable harm to the living conditions of the occupants.

18.For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR