



# ROBINSON ESCOTT PLANNING LLP



CHARTERED TOWN PLANNING AND DEVELOPMENT CONSULTANTS

DOWNE HOUSE, 303 HIGH STREET, ORPINGTON, KENT BR6 ONN, TEL:01689 836334 FAX: 01689 878091

Email: [enquiries@replanning.co.uk](mailto:enquiries@replanning.co.uk) Website: [www.replanning.co.uk](http://www.replanning.co.uk)

## PLANNING APPEAL BY

**MR R POOKE**

**RELATING TO**

**LAND AT FLAT 39,  
BLYTH WOOD PARK,  
20 BLYTH ROAD,  
BROMLEY  
BR1 3TN**

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## GROUNDS OF APPEAL STATEMENT

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**OUR REF: JA/RP/15/37**

JOHN ESCOTT BA (HONS) DipTP MRTPI JO TASKER BSc (HONS) BTP MRTPI PETE HADLEY BA (HONS) DipTP MRTPI  
JOE ALDERMAN MA MRTPI NEAL THOMPSON BSc (HONS) MSc MRTPI RACHEL ESCOTT BA (HONS) DipTP  
CONSULTANT: BOB MCQUILLAN BA (HONS) MCD MRTPI MRICS

**1. INTRODUCTION**

- 1.1. This appeal relates to a planning application submitted by Mr R Pooke to the London Borough of Bromley, seeking planning permission for the change of use of the ground and first floor accommodation of a previous sports hall to form part of his residential property at Flat 39 Blythwood Park, 20 Blyth Road, Bromley. The proposal also included the creation of a new vehicular access onto Bracken Hill Lane, and associated replacement boundary treatment.
- 1.2. The application was part retrospective in nature as work had already begun on the creation of the access and the change of use of the building has taken place.
- 1.3. The application was reported to the Council's Planning Committee on Thursday 7<sup>th</sup> December 2017, with a recommendation for approval. The application had the full support of the Council's Planning Officer, Highways Engineer and Tree Officers. Despite this recommendation, Members of the Committee elected to refuse planning consent for the following three reasons:

- 1. The proposal would prejudice the amenities of neighbouring residents along Bracken Hill Lane, by reason of additional noise and disturbance resulting from the proposed vehicular access and associated activity, contrary to Policy BE1 of the Unitary Development Plan.*
- 2. The proposal, resulting as it does, in the loss of mature trees and foliage along the boundary with Bracken Hill Lane and replacement by a vehicular access and new fence and gate, would result in an undesirable feature, undermining the established verdant frontage and the character and appearance of the wider street scene, contrary to Policy BE1 of the Unitary Development Plan.*

*3. The proposed vehicular access would lack adequate sightlines, which would therefore prejudice road safety conditions along Bracken Hill Lane, contrary to Policy T18 of the Unitary Development Plan.*

- 1.4. In light of the Council's reasons for refusal, therefore, the main issues for consideration in this appeal are whether the proposed development would have a materially harmful impact on the amenities of neighbouring residents along Bracken Hill Lane; whether the character of the street scene would be materially affected; whether the proposed vehicular access makes adequate provision for sightlines; and whether there would be any detrimental implications on the existing levels of highway safety.
- 1.5. It is our view that the Council's reasons for refusal are unreasonable and unjustified, in light of the evidence provided to the Council during the course of the application. These issues are covered later in this Statement.

## **2. BACKGROUND, THE APPEAL SITE AND PLANNING HISTORY**

- 2.1. The Inspector's attention is pointed towards the Planning Statement and other supporting documentation which was submitted to the Council as part of this application. This contains an analysis of the site and surrounding area and a detailed breakdown of all relevant planning history.
- 2.2. The site has been the subject of various planning applications, including an earlier dismissed appeal where some important comments were made by the Planning Inspectorate at that time. A full analysis of the earlier appeal decision and the steps taken since that decision are set out in the application documents.
- 2.3. Again, an analysis of the relevant planning history is contained within the application documents. It should also be noted that the site is currently the subject of a live

**Grounds of Appeal Statement  
Land at Flat 39, Blythwood Park, 20 Blyth Rd, Bromley, BR1 3TN**

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Enforcement Notice appeal under appeal ref: APP/G5180/C/17/3178933. **It is therefore requested that this appeal be merged with the current planning enforcement appeal as it would be sensible for the two issues to be considered by the same Inspector at the same time.**

- 2.4. The Enforcement Notice appeal is supported by a very detailed Grounds of Appeal Statement which sets out the issues at hand, and a detailed analysis of the planning history and the issues relating to the site during earlier discussions and applications to the Council.

**3. THE APPEAL PROPOSAL**

- 3.1. Again, to avoid repetition, the Inspector's attention is drawn to the Planning Statement, which sets out a detailed analysis of this revised proposal following the earlier appeal. Essentially, Mr Pooke is seeking planning consent for the change of use of the former redundant sports hall which formed part of the Blythwood Park development to form part of his residential property at Flat 39 Blythwood Park.
- 3.2. Alongside this change of use (which it must be noted is not a contentious element of this proposal), it is proposed to create a new vehicular access onto Bracken Hill Lane, and the creation of a parking area for Mr Pooke and his family to utilise.
- 3.3. As set out in the application documents, Flat 39 no longer forms part of the Blythwood Park development. It is now effectively a standalone detached property with no vehicular access or parking area. It is simply proposed to allow a designated parking area and vehicular access point to be created to serve this detached dwelling and **not** to create a new vehicular access onto Bracken Hill Lane to serve the wider Blythwood Park development.

**4. RELEVANT PLANNING POLICY CONSIDERATIONS**

- 4.1. The Council's decision notice makes reference to a perceived conflict with Policy BE1 and Policy T18 of the Saved Unitary Development Plan (2006). Policy BE1 sets out general Development Control criteria to enable an assessment to be made as to whether the design of any proposed development is of a high standard, achieves a good layout, respects the amenities of neighbouring residents, and those of future occupants.
- 4.2. Policy T18 states that when determining planning applications, the Council will consider as appropriate the potential impact on road safety, and will seek to ensure that road safety is not adversely affected.

**5. THE PLANNING OFFICER'S REPORT TO THE PLANNING COMMITTEE**

- 5.1. The application was considered by Members of the Council's Planning Committee at a meeting on Thursday 7<sup>th</sup> December 2017. A copy of the Planning Officer's Report accompanies this appeal; the Inspector will note that the officer's firm recommendation was that planning permission should reasonably be granted.
- 5.2. It is clear that a number of local objections were raised to this proposal and, accordingly, a detailed response to these objections was submitted to the Council prior to the Committee meeting, and a copy of this response can be found at **APPENDIX 1**. The Inspector will note that a number of the objections raised do not appear to take account of the findings of the earlier Inspector in respect of the main issues.
- 5.3. Turning again to the Planning Officer's Report, it is noted that the Council's Highways Department have been actively involved in this revised planning application and have met with the applicant and his advisors on site on several occasions. It is clear from the Officer's Report that no objection has been raised by the Council's Highways Engineers, based on the ongoing discussions between the applicant and the Council's

**Grounds of Appeal Statement**  
**Land at Flat 39, Blythwood Park, 20 Blyth Rd, Bromley, BR1 3TN**

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Highways Department and the information provided to the Council during the course of the application.

- 5.4. Similarly in respect of the Council's Tree Officers, the report is clear that no objection has been raised by Officers from a tree's perspective. Again, it should be noted that the site has been visited numerous times by the Council's Tree Officers and no objection has been raised or concerns expressed in respect of the retention of any trees on site which are the subject of the Tree Preservation Order which is in force.
- 5.5. It is clear that the Planning Committee were provided with a very detailed assessment of this revised proposal by the Council's Planning Officer, however, they chose to overturn this recommendation and refuse planning permission. It is our view that this was an unreasonable decision from Members of the Committee to take, and does not have regard for the evidence which was provided to them during the course of the application and prior to the Committee meeting.

**6. PLANNING ISSUES AND GROUNDS OF APPEAL**

- 6.1. The first ground of refusal suggests that the introduction of a new vehicular access point onto Bracken Hill Lane would adversely affect levels of residential amenity by reason of '*additional noise and disturbance*'. As set out in the response tabled to Members (**APPENDIX 1**) this fails to have due regard for the findings of the earlier Inspector who clearly concluded that the introduction of a parking area to serve a single dwelling on site would not have a harmful effect on neighbouring amenities by virtue of noise and disturbance.
- 6.2. Indeed, the Council's Highways Engineers also raised no objection in this respect. As such, the first reason for refusal appears to be wholly unreasonable.

**Grounds of Appeal Statement**  
**Land at Flat 39, Blythwood Park, 20 Blyth Rd, Bromley, BR1 3TN**

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- 6.3. The second reason for refusal suggests that there would be a harmful effect on the street scene arising from the introduction of a new vehicular access point which would *'undermine the established verdant frontage and the character and appearance of the wider street scene'*. Again, the earlier Inspector was quite clear in her decision that the introduction of a vehicular access point and a hard standing area for car parking would not harm the character and appearance of the area. Specific comments also relate to the size of a hardstanding being proposed and that this would not be disproportionate given the overall site area.
- 6.4. The earlier appeal decision explicitly sets out that *'the proposed development would not harm residential amenity and there would be no conflict with UDP Policy BE1'*. For the current Inspector's reference, **APPENDIX 2** contains a copy of plan ref: 2444-15-PL001/P5, which is the plan which was the subject of the earlier appeal. It will be noted that this was for a far larger vehicular access point and a far larger area of hardstanding, which would be more visible in the street scene than the current proposal. By implication, therefore, there can be no reasonable suggestion that the introduction of the parking area and access point as shown on the submitted plans as part of this application (plan ref: 2444-15-PL101/P5) would have a materially harmful effect on the character and appearance of the street scene.
- 6.5. The Inspector will note from a visit to the site that Bracken Hill Lane is characterised by forecourt parking areas which serve individual dwellings. The proposal would be no different to several examples of off-street car parking spaces seen along Bracken Hill Lane.
- 6.6. The Council's third reason for refusal relates to adequate sightlines and an allegation that the development would prejudice road safety conditions. We are of the view that this is a wholly unreasonable ground of refusal in light of the technical evidence provided to the Council as part of the application, and the lack of any technical objection from the Council's own Highways Department.

**Grounds of Appeal Statement**  
**Land at Flat 39, Blythwood Park, 20 Blyth Rd, Bromley, BR1 3TN**

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- 6.7. The proposed development incorporates sufficient turning facilities, and the Council were provided with a detailed Swept Path Analysis showing that a car can turn and manoeuvre on site in order to leave in a forward gear. The suggestion that inadequate sightlines are being proposed, therefore, is simply not supported by the evidence provided to the Council or the views of the Council's own Highways Engineers.
- 6.8. The Planning Officer's Committee Report sets out the views received from the Council's Highways Department which states that *'I have checked the calculations and 2.0m x 15.6m visibility splays in both directions from the access junction is acceptable'*. On that basis, the Council's third reason for refusal is unjustified and wholly unreasonable in the circumstances.

**7. SUMMARY AND CONCLUSIONS**

- 7.1. The Inspector will be cognisant of the significant level of local objection to this revised proposal, and the level of objection received by the Council during earlier applications for alternative schemes. Whilst this local objection is acknowledged by the applicant, the evidence provided to the Council in respect of highway safety and the findings of the earlier Planning Inspector (an indeed the Council's own planning officers during the course of earlier submissions) suggest that on its planning merits, planning permission should reasonably be granted.
- 7.2. The applicant has worked closely with the Council's Planning Officers, Tree Officers and Highways Engineers to ensure that there are no technical objections from the Council's internal consultees from a planning, highways or trees perspective. The officers recommended to the Planning Committee that consent should reasonably be granted, although Members elected to overturn this recommendation.



**Grounds of Appeal Statement**  
**Land at Flat 39, Blythwood Park, 20 Blyth Rd, Bromley, BR1 3TN**

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- 7.3. It is the appellant's firm view that, in light of the Planning Officer's findings in terms of their assessment of the proposed development on the impact on the character and appearance of the street scene and the residential amenities of nearby properties, there is no conflict with Policy BE1 of the Saved Unitary Development Plan.
- 7.4. Similarly in respect of allegations of conflict with Policy T18 of the Unitary Development Plan, this is simply not supported by the technical evidence provided to the Council's Planning Committee, or the findings of their own professional highways engineers. On that basis, the Council's reasons for refusal do not appear to be based on the evidence provided, and are therefore unsustainable.
- 7.5. The Council acknowledge that there is no conflict with their adopted policies in respect of the change of use of the redundant community facilities on site, and no objection has been raised to the formalising of the change of use which has taken place. It is of note that the Council's reasons for refusal solely relate to the proposed vehicular access point, and provision of a car parking area to serve what is now a detached family home.
- 7.6. Given the planning history and the current live planning enforcement appeal, we wish to request that this appeal be conjoined with appeal ref: APP/G5180/C/17/3178933 so that the Inspector can consider the issues raised in both appeals at the same time.
- 7.7. It is our firm view that planning permission, based on the evidence and the findings of the Council's technical consultees, should reasonably be granted. We therefore urge the Inspector to ratify the professional Planning Officer's recommendation to the Planning Committee, and grant planning permission subject to any necessary safeguarding planning conditions.



**Grounds of Appeal Statement**  
**Land at Flat 39, Blythwood Park, 20 Blyth Rd, Bromley, BR1 3TN**

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**APPENDICES:**

**APPENDIX 1**      A copy of a detailed response to objections raised to the planning application submitted to the Council prior to the Committee meeting;

**APPENDIX 2**      A copy of plan ref: 2444-15-PL001/P5, which is the plan which was the subject of the earlier appeal.