
Appeal Decision

Site visit made on 13 October 2015

By G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 16 November 2015

Appeal Ref: APP/G5180/W/15/3065805
74 Madeira Avenue, Bromley BR1 4AS

- 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 Miss R Stone against the decision of the Council of the London Borough of Bromley
 - The application Ref DC/14/05019/FULL1, dated 24 December 2014, was refused by notice dated 25 March 2015
 - The development proposed is the demolition of existing bungalow and replacement building comprising 5 x 2 bedroom apartment and off road car parking
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's original decision notice cites 'loss of overlooking and privacy' in its reason for refusal. In its appeal statement the Council suggests that this should have read 'by reason of overlooking and loss of privacy'. The appellant's statement also makes reference to this latter form of words. Accordingly, I will assess the appeal in regards to its potential effects in regards to overlooking and privacy.

Procedural Matter

3. I have used the description of development from the Council's decision notice rather than that in the application form as it more precisely defines the scope of the proposal.

Main Issues

4. The main issues in this appeal are firstly the proposal's effects on the character and appearance of the area; and secondly, the effects of the appeal scheme on the living conditions of the occupiers of 72 and 78 Madeira Avenue in respect to loss of privacy.

Reasons

Character and appearance

5. Madeira Avenue is leafy and suburban and comprises predominantly large semi-detached properties set within generous plots. The appeal site differs in character from much of the surroundings, as it is occupied by a detached bungalow, but like its adjacent properties it is set back and elevated from the road behind a front garden bounded by a low brick wall. The bungalow is developed on an L-shaped footprint the front part of which stands proud of the front building lines of the adjoining properties. It is faced in brick with roof tiles. A gable to the front elevation and dormer to the rear add some visual interest to the bungalow's hipped roof. The adjoining pairs of semi-detached dwellings though different in style from each other are of a similar size and are symmetrical in both their form and the detailing of their façades.
6. From the avenue, the separation distances between the bungalow and its adjoining properties, particularly at higher level, afford views through to the mature trees protected by Tree Preservation Order to the rear of the site. Immediately across from the appeal site is the rear garden of 22 Bromley Avenue, the mature planting of which emphasises the leafiness of the area, in combination with street trees of varying sizes, with a small one immediately to the front of the appeal site. The back garden at the appeal site, like those of adjoining properties, slopes upwards from the rear of the house to the mature trees within and at its boundaries.
7. The appeal scheme proposes the demolition of the existing bungalow and its replacement with a larger building accommodating five apartments. Garaging for one of the apartments would be integrated into the ground floor of the development, with parking for five cars provided on the site currently occupied by the front garden. The proposal would be three storeys, but a similar height to the adjoining properties, with its ground floor to the front at a lower level immediately behind the proposed parking area.
8. Much of the appeal scheme's front elevation would stand proud of the principal building line of No 74 by around three metres. Although part of the existing bungalow is forward of No 74s front building line, the height and width of the proposal would result in more frontage closer to, and visible from, the highway. It would also have a rearward projection of some three metres beyond that of the existing bungalow's back wall.
9. Although the appeal scheme would have a similar ridge height to those of adjacent properties, it would appear more prominent and dominant in the streetscene due to the development of the ground floor at a lower level than those of its neighbouring dwellings giving the proposal a much more imposing sense of scale. This effect is exacerbated both by the building's siting, with much of its principal elevation proud of the front building lines of adjacent properties, and the proposed removal of the front garden and boundary treatment.
10. The proposal would be inset from the boundaries on each side by around a metre. Whilst this would comply with the technical requirements of policy H9 of the Bromley Unitary Development Plan (adopted July 2006) (the UDP) in relation to the provision of side space, the height, massing and site coverage of

the appeal scheme would nonetheless result in a development with a cramped and dominant appearance.

11. The existing bungalow is considerably different in form and elevational treatment to adjacent properties, however its modest scale and siting limit its effects on the streetscene. In contrast, however, the appeal scheme's asymmetric façade due to its scale and wider visibility would create a more uncomfortable relationship with the symmetrical arrangement of the pairs of dwellings to either side. Once again the incongruity of the proposal in this regard would be amplified by its lack of a front garden.
12. From the rear, the sloping topography of adjacent gardens in the avenue would mean that the proposal would be visible. In this context, the appeal scheme would be a dominant and incongruous feature, particularly due to the prominent dormer projections at roof level and the proposal's excessive depth.
13. Taken together, the scale, siting, massing, bulk and detailing of the appeal scheme would result in a dominant and visually jarring proposal that would be harmful to the character and appearance of the wider streetscene.
14. Though the appellant has cited other three storey properties in the Avenue, development immediately surrounding the appeal site is predominantly of two storeys. My attention was also drawn to the presence of properties within the area that had been converted into flats. However, in terms of the appeal scheme it is the form and not the function of the development that would be harmful to the character and appearance of the area. The presence of flatted development within the surrounding area does not create a precedent that should be followed if there are demonstrably harmful effects in relation to such a proposal.
15. Due to its dominance and incongruity the proposal would be harmful to the area's character and appearance and thus contrary to the objectives of policy BE1 of the UDP in this regard.

Living Conditions

16. The appeal scheme would result in a building that would be considerably higher than the existing property, though with a similar ridge height to those of adjacent properties, with expansive areas of fenestration at upper levels on all elevations. It would include obscure glazing in the flank walls that would limit any overlooking from these elevations.
17. At my site visit, I assessed the proposal from the gardens of Nos 72 and 78. The boundaries with No 72 are mature hedge and timber fencing of around two metres. Views from the appeal scheme into No 72 would be towards the rear of the garden, a site currently overlooked by both the existing dormer window in No 74, and the upper windows of No 70. As such, there would be no significantly harmful effects arising from the appeal scheme in this regard. Similarly, in terms of No 78, though the boundary treatment here consists of walling of around 2m, the appeal scheme would not have a significantly harmful impact on the privacy of occupiers given the degree of overlooking from the existing property at No 74.

18. The appeal scheme would not have a harmful effect on the privacy standards enjoyed by the occupiers of 72 and 78 Madeira Avenue and thus not be in conflict with the objectives of BE1 of the UDP as they relate to the protection of living conditions.

Conclusion

19. Although I have found no harm in relation to the appeal scheme's effects on the privacy of adjacent occupiers, I have found that it would be harmful to the area's character and appearance. The degree of harm caused to the character and appearance of the area, through the dominant nature of the proposal, and its incongruity within its immediate context would be significant, and this would outweigh the lack of harm found in respect of the proposal's effects on living conditions.

20. I am mindful of the appellant's points regarding the housing supply situation within Bromley, and policy 3.4 of the London Plan (Consolidated with alterations since 2011 adopted March 2015) in relation to optimizing the use of housing land. However, the provision of a net increase of four additional units at the density proposed would not constitute a degree of benefit that would outweigh the development's harmful effects in this case.

21. Accordingly, I conclude for the reasons given above, and in regards to all other matters raised, that the appeal should be dismissed.

G Fort

INSPECTOR