
Appeal Decision

Site visit made on 22 August 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/G5180/W/16/3150727
186 Anerley Road, Penge, London SE20 8BL

- 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 Lukasz Pulak against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00182/FULL1, dated 12 January 2016, was refused by notice dated 22 March 2016.
 - The development proposed is conversion of single family dwelling into six self-contained flats; including extensions to the existing building, provision of 3no.off street parking spaces, provision of refuse and cycle storage facilities and associated landscaping of property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the appeal process the appellant has clarified the occupancy levels of the proposed flats by submitting correctly annotated drawings Ref, 975/100 Rev C, Proposed Ground Floor Plan and Ref, 975/101 Rev B, Proposed First Floor Plan. The occupancy levels stated on these drawings correspond with those set out in the applications design and access statement and therefore the application and appeal proposals remain unchanged. I am therefore satisfied that no party has been prejudiced by these submissions and I have based my decision on Drawing Refs, 975/100 Rev C and Ref 975/101 Rev B which are now correctly annotated.

Main Issues

3. The main issues in this case are the effect on:
 - The character and appearance of the area;
 - Highway safety;
 - The living conditions of the existing occupiers of No 184 Anerley Road with particular regard to outlook, overshadowing and privacy; and
 - The living conditions of future occupiers, with particular regard to space, privacy and outlook.

Reasons

Character and appearance

4. The appeal site occupies a prominent corner location. Despite its unusual aspect, the existing property sits comfortably on this part of Anerley Road where neighbouring properties are of a similar scale, form and height and their overall setting is relatively open and spacious.
5. The appeal proposal would be 3-storey in height. Whilst I accept that there are 3-storey properties on the opposite side of Anerley Road, those properties are located on a part of the street which is characterised by a much denser form of development, and where the properties are predominantly 3-storey and positioned much closer to the road. The appeal site is not visually connected to the opposite side of Anerley Road and the proposed 3- storey building on this corner plot would be unduly prominent and incongruous. Moreover, its complex form and discordant roof elements, including the proposed dormer windows would contrast sharply with the simple form and scale of its neighbours and detract from the character and appearance of this part of the street.
6. I accept that the existing large flat roof extension does not make a positive contribution to the street scene; however the appeal property still retains its spatial qualities and appears visual separate from its neighbour, No 2a Seymour Villas. The proposed rear addition, although set back from the road, would remove the open aspect that currently exists across the rear of the appeal site and which contributes significantly to the overall spatial qualities of the site. Furthermore the extension above the existing garage and adjacent to No 2a would be a visually dominant and incongruous feature in this location in front of the established building line to Seymour Villas.
7. I conclude that the proposed development would significantly and demonstrably harm the character and appearance of the area. I therefore find conflict with Policy 7.4 of the London Plan and Policies BE1, H7 and H9 of the London Borough of Bromley's Unitary Development Plan, 2006 (UDP) which together with the Council's Adopted Supplementary Planning Guidance Notes No 1 and No 2 seek to ensure, amongst other things, that new development does not detract from the existing street scene and should complement the scale, form and layout of adjacent buildings and areas and protect the spatial standards that characterise the area.

Highway Safety

8. The appeal proposals would create a new vehicular access onto Anerley Road and provide space for the parking of 3 cars within part of its front garden area. Anerley Road is a busy classified road and a bus route.
9. The proposed new access and parking spaces would result in vehicles reversing onto a busy road and across a wide pavement in close proximity to a road junction and a bus stop. Even with the lowering of the frontage wall to improve visibility, these manoeuvres would be detrimental to the safety of drivers and pedestrians using Anerley Road and to the efficient operation of this highway.
10. I have taken into consideration the neighbouring driveways at 182 and 184 Anerley Road. I noted on my site visit that a turning area is available at

No 182 which enables vehicles to enter and leave the site in a forward direction. Whilst this is not the case at 184, this property is not as close to junction of Seymoor Road as the appeal site. In any event the existence of these accesses does not justify the harm I have identified and each case must be considered on its own merits.

11. I conclude that the proposed development would have a harmful effect on highway safety. I therefore find conflict with Policies H7, T11 and T18 of the UDP which seek to ensure that road safety is not adversely affected.

Living conditions of neighbouring occupiers

12. The garden area to 184 Anerley Road currently has a relatively open aspect to its south. Therefore, despite the proposed two-storey rear projection being set back in part from the common boundary, by reason of its scale and depth it would have an enclosing effect on this garden area and cause some overshadowing of it during the afternoon period.
13. I have had regard to the high level windows to be provided to the hallway of Flat 5 and consequently there would be no overlooking from these windows or from the proposed dormer window facing towards No 184 which would be fitted with obscure glass. However the proposed bedroom window to Flat 5 would have oblique views over the rear amenity space of No 184 and by reason of its close proximity to this area I believe the privacy of the occupiers of No 184 would be harmed through overlooking.
14. I conclude that the proposed development would have a harmful impact on the living conditions of No 184 Anerley Road with particular regard to outlook, overshadowing and privacy. I therefore find conflict with Policy BE1 of the UDP and SPD1 and SPD2 which seek to ensure, amongst other things, that new development respects the amenity of occupiers of neighbouring buildings to ensure their environments are not harmed by inadequate daylight, sunlight, overshadowing or privacy.

Living conditions of future occupiers

15. It is clear that each flat would be provided with sufficient private amenity space having had regard to the private open space standards set out in the London Plan Housing SPG, March 2016. Whilst I accept that some of the amenity areas would be mutually overlooked, this is not uncommon for flatted developments. I consider the external space available is of a sufficient size and quality for the nature of the accommodation to be provided and would be usable.
16. I have had regard to the position of the facing windows within Flat 6 and Flat 5 where there would be the potential for overlooking given their proximity to each other. However, given that the proposed window to Flat 6 would serve a kitchen/living area, which would also be served by three other large windows, I am satisfied that any harm could be mitigated by the fitting of obscure glass to the proposed kitchen window. Furthermore, I am satisfied this requirement could be secured by condition.
17. The appellant has clarified the occupancy levels for the proposed flats. With the exception of Flat 4, the proposed accommodation would meet the space standards set out in Policy 3.5 of the London Plan. However, Policy 3.5 also advises that development proposals which compromise the space standards may be permitted if they are demonstrably of exemplary design and contribute

to achievement of other objectives of this plan. The appellant states that Flat 4 is a 1B1P Studio although drawing Ref, 975/100 Rev B clearly shows that Flat 4 would accommodate 2 persons. The nationally described space standards do not appear to differentiate between a studio and a flat. However, it appears to me that although falling just short of the requisite space standard, Flat 4 would provide well laid out, usable accommodation. It would have a good outlook and a reasonable external amenity area available for its future occupiers. Therefore, whilst there may be a technical breach of the nationally described space standards, I am satisfied for these reasons that Flat 4 would provide acceptable living conditions for its future occupiers and meet a housing need.

18. I conclude that there would be no harm to the living conditions of future occupiers, with particular regard to space, privacy and outlook. I therefore find no conflict with Policy 3.5 of the London Plan or Policy BE1 of the UDP which together with SPG1 and SPG2 seek to ensure that all housing developments are of the highest quality internally and externally and in relation to the their context and to the wider environment.

Conclusion

19. Although I have found that the appeal proposal would not cause harm to the living conditions of its future occupiers, I have found that it would cause significant and demonstrable harm to the character and appearance of the area, highway safety and the living conditions of the occupiers of 184 Anerley Road. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR