
Appeal Decision

Site visit made on 22 November 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 23 December 2016

Appeal Ref: APP/G5180/W/16/3156491

44 Cumberland Road, Shortlands, Bromley BR2 0PQ

- 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 Aventier Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01121/OUT, dated 6 March 2016, was refused by notice dated 15 June 2016.
 - The development proposed is demolition of an existing dwelling and erection of a single residential block containing 6x2 bed flats, with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with details of landscaping and appearance reserved for later consideration.

Main Issues

3. The main issues are the effect of the development on i) highway and pedestrian safety and the free flow of traffic; ii) the character and appearance of the surrounding area and iii) the living conditions of adjacent residents with particular regard to outlook and privacy.

Reasons

Road Safety and Traffic Flow

4. The Council has referred to the proximity between the proposed vehicular access to the site and the existing pedestrian crossing on Cumberland Road. I was able to observe this close relationship during my visit. The Council raises concern, supported by its highway officer that this would lead to tight vehicle manoeuvring into and out of the site which could result in conflict with pedestrians using the crossing.
5. Whilst the appellant states that the scheme has been designed to meet all relevant highway standards, I have not been provided with any compelling evidence to persuade me that the existing location of the crossing would not present an obstruction to drivers entering and leaving the site. Furthermore the Council has submitted in support of its case, vehicle tracking information in

relation to a proposed alternative scheme for the site which it is currently considering. The point of vehicle access to the site in that scenario appears to be in approximately the same location as with the current appeal proposal. The relevant drawing suggests that there would be vehicle conflict with the existing crossing and a requirement for it to be relocated. This information therefore reinforces the concerns I have raised.

6. Notwithstanding the relatively small scale of the development and limited amount of parking associated with it, for the aforementioned reasons, I cannot rule out that the proximity of the pedestrian crossing would, from time to time at least, result in sudden and unexpected braking and manoeuvring which would present an unacceptable risk to pedestrians.
7. The appellant suggests that a condition could be used to secure compliance with highway standards if necessary. However there is no information before me to provide satisfactory reassurance that the pedestrian crossing could be relocated to a safe and convenient alternative location. On this basis I am not persuaded that it would be reasonable to secure compliance with highway standards or the relocation of the pedestrian crossing through use of a condition, given the uncertainty at this stage of an acceptable outcome.
8. The intensification of use of the site would not result in such a significant increase in vehicle movements that material harm to the free flow of traffic along Cumberland Road would be caused. This, however does not overcome the harm that I have identified above.
9. I conclude, from the evidence before me, that the proposal would result in harm to highway and pedestrian safety. Accordingly it would conflict with Saved Policies H7, T6, T11 and T18 of the London Borough of Bromley Unitary Development Plan 2006 (UDP) insofar as they seek to protect road and pedestrian safety.

Character and Appearance

10. Cumberland Road is characterised by a mixture of dwellings and apartment blocks, in various architectural styles, set within verdant plots aligned along a sloping road.
11. I acknowledge that there appears to be a discrepancy between drawings showing the existing dwelling in its own right and in the context of the proposed building and wider street scene. Notwithstanding this, from the information before me and my site visit, though the footprint and bulk of the proposed building would be greater than that of the existing dwelling, a significant gap would be retained along its side boundary with No 42. Furthermore, viewed from Cumberland Road, the building would be situated at a lower ground level compared to this adjacent dwelling, in accordance with the the slope of the road. In this context the proposal would not appear obtrusive.
12. The depth of the proposed building would be greater than that of the existing dwelling. Whilst this would be evident in the side elevation, prominent at higher ground level in relation to Winchester Road, the building would be sited sufficiently inside the plot to ensure the retention of generous spacing to the north-west side boundary. With the possibility of additional landscaping, the building would not therefore appear cramped or dominant in this corner plot location.

13. The Council has referred to two previously proposed schemes for the site, both of which were dismissed following appeal, one for a detached dwelling and the second for an apartment block¹. In both cases, the buildings would have encroached further into the spacious corner garden area of the plot, very significantly more so in the case of the dwelling, and they are not therefore readily comparable to the current proposal. Furthermore, with the current scheme, the projecting terrace spaces would be substantially recessed from the front and rear elevations of the building. This would assist in making the building appear markedly narrower in relation to Cumberland Road, than the alternative apartment block would have done, emphasising the vertical form of the structure, more in keeping with adjacent two storey dwellings.
14. Each of the apartments would incorporate ancillary external terrace space, projecting from the main side elevation of the building at the upper floor levels. Whilst this is not a prevalent characteristic in the area, the terraces would be subordinate in scale and proportionate to the main building. Rather than appearing dominant and incongruous, I consider they would add visual interest to the prominent side of the block close to the street corner.
15. Whilst the development would result in a relatively large parking forecourt to the front of the site, its visual impact would be mitigated to a degree with screen planting. This would avoid the creation of a cluttered and unattractive street scene. This element of the scheme would not therefore be so harmful to justify refusal of permission on character and appearance grounds.
16. The Council point out that the proposed density of development on the site (some 88 units per hectare) within what they regard as a suburban location, with relatively poor access to public transport, would exceed guidelines as set out in Policy 3.4 of the London Plan 2015 (LP) (maximum 75 units per hectare) and Policy H7 of the UDP (maximum 50 units per hectare). The appellant, whilst not disputing the density calculation, refers amongst other things to the proviso that the calculation should not be applied mechanistically. I concur with this point, when in particular the proposal would be compatible with the design of its surroundings. To place this matter further in perspective, were a single unit to be omitted, it would bring the scheme within the higher of the aforementioned standards.
17. I therefore conclude that the proposal would not harm the character and appearance of its surroundings. Whilst the scheme would not strictly comply with the density guidelines set out in the LP and the UDP, it would conform with Policies 3.4 and 7.4 of the LP, Policies BE1, H7 and H9 of the UDP, the Council's Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance (SPG) and the National Planning Policy Framework insofar as they seek to promote good design, compatibility with existing form and layout and respect for local distinctiveness.

Living Conditions

18. When compared to the existing dwelling on the site, the proposed building would be greater in bulk and would project further to the rear. It would therefore result in some impact on outlook from the rear of No 42 Cumberland

¹ Refs APP/G5180/A/07/2059853 and APP/G5180/W/16/3144993

Road. Notwithstanding this, the degree of projection to the rear is limited and the proposed building would be at a markedly lower level compared to No 42 and offset from the side boundary. I conclude that the proposal would not result in such a significant degree of enclosure to the side of No 42 that it would have an overbearing presence and cause oppressive living conditions for residents.

19. By comparison the front elevation of the adjacent dwelling at No 39 Winchester Road would be perpendicular to and further away from the rear of the proposed building. As such the orientation of the proposal would not interfere with the outlook for residents of that dwelling. Whilst it would be possible to overlook No 39 from windows in the proposed apartment block, the relative orientation of the buildings means that such views would be over the area forward of the front elevation of the dwelling, which being close to the public realm would, not enjoy high standards of privacy in any event.
20. The proposed building, including terraced areas would be sufficiently separated from the house on the opposite side of Winchester Road, No 63 St Mary's Avenue, not to result in any undue loss of privacy to that property from overlooking.
21. For the aforementioned reasons the proposal would not conflict with Policy BE1 of the UDP or the SPG insofar as they seek to protect the living conditions of residents.

Conclusion

22. I have not found harm in terms of character and appearance or the living conditions of nearby residents. However this does not overcome the harm that I have identified in terms of impact on highway and pedestrian safety.
23. For the above reasons, and having had regard to all other points raised, the appeal is dismissed.

Roy Merrett

INSPECTOR