

Appeal Decision

Site visit made on 6 December 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 12th January 2017

Appeal Ref: APP/G5180/W/16/3157523

2 Crampton Road, Penge, London SE20 7AT

- 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 Michael Brothers (UK) Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00377/FULL1, dated 21 January 2016, was refused by notice dated 2 June 2016.
 - The development proposed is demolition of existing buildings and construction of 6 x flats and 2 x B1 units.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and construction of 6 x flats and 2 x B1 units at 2 Crampton Road, Penge, London SE20 7AT in accordance with the terms of the application Ref DC/16/00377/FULL1, dated 21 January 2016, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties and the future occupiers of the appeal properties with particular reference to outlook and daylight/sunlight; and,
 - The effect of the proposed parking arrangements on highway safety in the vicinity of the appeal site.

Reasons

Character and appearance

3. The appeal site is located close to the junction of Crampton Road and High Street. Crampton Road is a long residential street containing traditional two storey terraced dwellings, with reasonably long rear gardens and shorter front gardens. Those properties on the north western side of the road are located at a higher level relative to the road and also have longer front gardens than those on the south eastern side. High Street comprises predominantly traditional three storey terraced buildings with commercial uses on the ground floor and residential above. The properties on both sides of the junction with Crampton Road have dual frontages on Crampton Road and High Street.
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4. The Council describes the area in which the appeal site is located as 'transitional' in character. This refers to the areas behind the main High Street frontage reducing in scale and having a less formal appearance, including gaps which create a degree of openness, where they connect with the Crampton Road properties. This currently allows glimpsed views through to trees in rear garden areas. The presence of front gardens means that the front building line of the Crampton Road dwellings is set behind that of the High Street properties.
5. The appeal site includes a long narrow plot adjacent to No 4 Crampton Road which has a concrete surface and is currently free from built form. It also includes the adjacent 'L' shaped plot which is currently occupied by No 2 Crampton Road, a one and two storey building, which at the time of my site visit was not in use, but which has planning approval for D1 and A1 use. The site is bound by 15-17 High Street to the south which is a traditional three storey building, and No 4 Crampton Road to the north. The eastern extent of the site also adjoins the rear gardens of No 19-25 High Street.
6. The proposed development would replace the existing building with a three storey building. This would accommodate six flats, one of which would have three bedrooms, four would have two bedrooms and one would have one bedroom. There would also be two ground floor B1 units.
7. This building would connect the rear elevation of No 15-17 High Street with the side elevation of No 4 Crampton Road. The bulk of the Crampton Road frontage would continue the building line and eaves level of 15-17 High Street. A green roof would be included on the main flat roofed element of the building. There would be a short connecting element with a slightly lower eaves level and vertical curved glazing which would link to a further built element connected directly to No 4 Crampton Road. This part of the building would have an underpass at ground floor level, and its first floor would have a similar front building line to No 4 Crampton Road. Its second floor would be within the roof area which would continue the eaves and ridge level of No 4, and would include both a roof window and dormer window.
8. An area of private amenity space serving the three bedroomed flat would be located directly to the rear of No 17 High Street. The central part of the building would project further back into the plot, terminating adjacent to the south eastern plot boundary of No 17. Behind this would be a parking area, with further parking and an area of amenity space within the eastern extent of the site. Provision for secure cycle parking and refuse/recycling storage facilities would also be made on the north eastern side of the building.
9. This proposal has been designed to bridge the gap between the High Street and Crampton Road properties. Whilst it would clearly increase the scale of building and built coverage presently in place, this would be within the parameters set by the scale and form of the adjacent buildings. In this respect this building would not appear out of place. More specifically, the use of a similar range of materials, the fenestration patterns and the proposed modelling of the front elevation would break up this frontage, reflecting the rhythm set by neighbouring buildings. The use of contemporary details such as the grass roof and curved glazing link would appropriately differentiate this addition. In these respects the building would complement its surrounds.

10. I accept that this proposal would create a continuous frontage. In this respect the views through built form to rear garden areas and the church beyond, as noted by the occupiers of properties on the north western side of Crampton Road, would be diminished. However, such frontage gaps are not typical of these terraced streets. Also, as the scale of this building would not be excessive, my view is that elements of more distant views above the roof top would remain.
11. Overall my view is that this proposal would not be detrimental to the character and appearance of this area. It would therefore comply with the Bromley Unitary Development Plan 2006 (the UDP) which at saved Policies BE1 and H7 requires high quality design which recognises and complements the qualities of surrounding areas, respecting important views. It would also comply with The London Plan 2016 which at Policy 3.5 requires design which enhances the quality of local places.

Living conditions

12. The appeal building would adjoin the north eastern flank wall of No 15 High Street resulting in the loss of first and second floor windows. I note that these are staircase windows, and that whilst there would be a loss of light and ventilation, as this does not serve habitable accommodation it would not directly cause harm to living accommodation.
13. The windows in the rear elevation of No 17 High Street, which I understand serve habitable rooms, presently have an open outlook over the existing single storey building. The presence of the three storey south western elevation of the appeal building in reasonably close proximity would therefore impact on the outlook from these rooms and daylight/sunlight reaching them. The north east orientation of these windows means that sunlight reaching these windows is restricted anyway. The appellants study¹ also indicates that the loss of diffuse light to these windows would be limited. Whilst I accept some small degree of harm to outlook would be caused, on balance my view is that this would be acceptable.
14. There would also be overlooking concerns between these elevations as on all three floors the appeal building would have windows serving habitable rooms. However, these would not be the only windows serving these rooms in the appeal building, and therefore a condition requiring obscure glazing, should this proposal be acceptable in other respects, would not be unreasonable.
15. The Council also expresses concern about the provision of amenity space. In such a tight urban environment access to private outdoor space is often limited, and furthermore overlooking is common. More generally I note that there is good access to public amenity spaces in the vicinity of the appeal site. I accept that the access to the shared on site provision at the rear of the site, which would involve crossing the parking area, would not be ideal. I also accept that the private space for the 'family' unit is of limited size and would be overlooked by No 17 High Street. However, on balance, my view is that in this location such provision is broadly acceptable.
16. I note the comments of the occupiers of neighbouring properties on the north western side of Crampton Road about the impact of the appeal building on their

¹ Daylight and Sunlight Study, 20 May 2016

living conditions. In this respect it is suggested that there would be a loss of light and privacy to the windows on front elevations and front garden areas. However, my view is the distance between the appeal building and these properties would be little different to that between existing properties on both sides of this road. As such any harm would be marginal and within acceptable limits.

17. Overall my view is that the proposal would not have a detrimental effect on the living conditions of the occupiers of neighbouring properties and the future occupiers of the appeal properties, with particular reference to outlook and daylight/sunlight. In these respects it would not conflict with the UDP saved Policy BE1 which requires development to respect the amenity of occupiers of neighbouring buildings in terms of daylight and sunlight, privacy and overshadowing. It would also comply with saved Policy H7 which requires adequate private or communal amenity spaces to be provided.

Parking arrangements

18. The proposal would include the provision of six off-street car parking spaces, one for each residential unit, and secure storage for up to 12 bicycles. No specific provision would be made for the B1 units which would be serviced from the road side. The Council indicates that no objections have been raised from a highways perspective. I also note that this level of provision would comply with the standards set out in the London Plan.
19. Concern is expressed by local residents about the level of congestion already present in this area, particularly given the number of existing flats in the local area and the fact that most Crampton Road properties do not have off-street parking. I also note that High Street is a busy commercial road which is likely to cause additional parking demands through deliveries and customers. At the time of my site visit on a week day morning I noted that this area was heavily parked.
20. However, this is an accessible location with the local railway station located a short distance away to the east. As such my view is that the levels of onsite parking, together with cycle parking, would be sufficient to meet the needs of the occupiers of the new units. Whilst I accept that deliveries associated with the B1 units may cause some short-term inconvenience, these would be small units which would have relatively modest servicing requirements.
21. I therefore do not consider that the proposed parking arrangements would have a detrimental effect on highway safety in the vicinity of the appeal site. In this respect the proposal would comply with the UDP saved Policies T3 and T18 which require that new development should not have a detrimental effect on highway safety, and that appropriate levels of off-street parking should be provided.

Conditions

22. The Council has suggested a number of planning conditions which I have considered against the advice contained in the National Planning Policy Guidance. As a result I have amended some of them for clarity, and eliminated duplication.
23. I have included a condition requiring development to be carried out in accordance with approved plans as this provides certainty. Conditions relating

to external materials, details of the curved stairwell window and the scheme of landscaping are necessary in the interests of the character and appearance of the area. Conditions relating to assessment of land contamination, the provision of surface water drainage arrangements and a piling method statement are required to ensure the protection of the local environment. A construction method statement is necessary to protect the living conditions of the occupiers of neighbouring properties. Details of the treatment of windows in the south west elevation are necessary for the privacy of the occupiers of the new dwelling and the occupiers of neighbouring properties. Details of security measures are necessary in the interests of crime prevention. It is essential that the requirements of the above conditions are agreed or put into place prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.

24. A condition relating to the treatment of boundaries is required in the interests of the appearance of the development and the relationship with neighbouring dwellings. Those conditions relating to car and bicycle parking, visibility splays and the stopping up of the existing access are required in the interests of highway safety. I accept that the removal of permitted development rights in relation to the parking spaces is necessary due to the limited parking opportunities in the area generally. Arrangements for the storage of refuse and amenity space are the subject of conditions to ensure adequate provision is made and in the interests of the living conditions of the future occupiers of these properties. A condition relating to the green roof is required to ensure that this element of the development contributes to sustainable development principles.
25. Conditions relating to the emission levels associated with gas boilers and the provision of electric car charging points are required as this is an Air Quality Management Area. A condition relating to tree protection is required to safeguard existing trees in the interests of the environment.
26. I have not included a condition removing permitted development rights in relation to the B1 units as I do not consider that the Council has demonstrated that the exceptional circumstances required to justify the imposition of such a condition exist in this case².

Conclusions

27. I have found that this proposal would not have a detrimental effect on the character and appearance of the area, nor would it be harmful to the living conditions of future occupiers or the occupiers of neighbouring properties. I have also found the levels of parking which would be provided to be acceptable. As such it would accord with the development plan.
28. For these reasons the appeal is allowed.

AJ Mageean

INSPECTOR

² Planning Practice Guidance ID 21a -017-20140306: Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1841-02F – Site Plan existing; 1841-03E – Elevations as existing; 1841-04F – Site Plan proposed; 1841-05F – ground floor proposed; 1841-06G – first floor proposed; 1841-07F – second floor proposed; 1841-09F – roof plan proposed; 1841-10F – Crampton Road elevation proposed; 1841-11F – rear elevation as proposed; 1841-12F sectional elevation AA as proposed; 1841-13F sectional elevation BB as proposed.
- 3) Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:20 showing the first and second floor curved stairwell window have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 6) Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the sites as shall be approved and shall be permanently retained thereafter.
- 7) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), undertaken by a suitably qualified contaminated land practitioner, shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved

measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted within 30 days of the report being completed and approved in writing by the Local Planning Authority.

- 8) No dwelling shall be occupied until space has been laid out within the site for 6 cars to be parked in accordance with drawing ref 1841 – 04F and that space shall thereafter be kept available at all times for the parking of vehicles. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted development shall be carried out which would prevent vehicular access to the parking spaces.
- 9) Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3 x 2.4 x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays, except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction, including the accidental accumulation of mud on the highway;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 11) The development hereby permitted shall not commence until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the hydrological and hydro-geological context of the development and the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority. The surface water drainage strategy shall seek to

implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan. It shall ensure that surface water from private land does not discharge onto the highway. Development shall be undertaken in accordance with approved details and these works shall be retained permanently thereafter.

- 12) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 13) The building hereby permitted shall not be occupied until the first and second floor windows on the south west elevation facing the rear of No 17 High Street have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained permanently thereafter.
- 14) The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 15) The arrangements for storage of bicycles and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 16) Before the development hereby permitted is occupied the amenity space as shown on drawing no 1841-04 Revision F hereby approved shall be implemented and retained permanently for the benefit of the occupiers of the residential units hereby permitted.
- 17) The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained thereafter.
- 18) (a) The development shall be constructed with a biodiversity living roof laid out in accordance with drawing no 1841-09 Revision F hereby approved and maintained permanently thereafter.
(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

- 19) A scheme to demonstrate that any gas boilers fitted as part of this development meet a dry NO_x emission rate of <40mg/kWh must be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted.
- 20) Prior to the first occupation of the development hereby permitted electric car charging points shall be provided to a minimum of 20% of car parking spaces with passive provision of electric charging capacity provided to an additional 20% of spaces and retained permanently thereafter.
- 21) The development shall be implemented in accordance with the Arboricultural Method Statement (September 2015), Root Protection Area Plan and Tree Protection Plan (29719-4; 29719-5) submitted and approved as part of the planning application, and under the supervision of a retained arboricultural specialist.
- 22) A scheme to demonstrate how the development responds to principles and physical security requirements of Secured by Design shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with approved details, which shall be retained permanently thereafter.