

Appeal Decision

Site visit made on 16 May 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 6 June 2017

Appeal Ref: APP/G5180/W/16/3165206
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/16/02684/FULL1, dated 2 June 2016, was refused by notice dated 2 September 2016.
 - The development proposed is demolition of existing dwelling and erection of 4 x two-storey, 3 bedroom dwelling houses with accommodation at roof level; alterations to front boundaries, associated landscaping and formation of one dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the efficient and safe operation of the highway network; and,
 - the living conditions of occupiers of neighbouring dwellings with particular regard to outlook, light and privacy.

Reasons

Character and appearance

3. The appeal site is a corner plot situated at the junction of Seymour Villas and the western side of Anerley Road. On this side of Anerley Road there is an established and consistent development pattern of modest two storey dwellings, set back from the road by generous front gardens. This pattern continues to the west of the appeal site for some distance along Seymour Villas.
 4. Number 186 (No 186) is an extended two-storey dwelling that has a gable and front door facing Anerley Road and a garage accessed from Seymour Villas. It shares a building line with adjacent dwellings on Anerley Road, but a single storey projection, including a garage, extends as far as the plot boundary on Seymour Villas.
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5. On the eastern side of Anerley Road there is an equally consistent but contrasting building pattern of three-storey shops with accommodation above, as well as substantial villas with three or more storeys.
6. The development would comprise the demolition of No 186 and its replacement with a terrace of four dwellings, fronting Seymour Villas. Although notionally two storeys high they would also have accommodation in the roofspace, which would take the form of a series of prominent gables facing Seymour Villas.
7. The development's ridgeline would be significantly higher than that of its immediate neighbour on Anerley Road (No 184) and there would also be an abrupt change of scale between the development and the adjacent bungalow on Seymour Villas (No 2a). Consequently, it would be imposing and dominant in its immediate context and would interrupt the underlying scale and form of the established building pattern.
8. Furthermore, the positioning and scale of the development would introduce significant bulk and massing at the corner of Anerley Road and Seymour Villas. Although No 186 has an extension and garage, which take up part of the plot, because they are single storey their effect on overall openness is limited. The opposing corner plots have amenity land next to the road which contributes to openness at the junction. As such, I conclude that openness at the junction would be significantly reduced if the appeal was allowed.
9. Whilst I appreciate that former extensions to the existing dwelling are piecemeal, and that No 186 itself has little design merit, nonetheless it shares a building line with dwellings fronting Anerley Road and is reflective of their scale and form. Furthermore, although No 186 has been extended to its side boundary, this is a single storey extension which does not appear incongruous in this context.
10. Consequently, although I acknowledge No 186's shortcoming in terms of design, this is insufficient reason to allow the development of a terrace which would be unrelated to its immediate surroundings. Furthermore, whilst I acknowledge that No 186 does not have an active frontage with Seymour Villas, this is typical of dwellings on corner plots.
11. Moreover, I disagree with the appellant that the development would be compatible with its surroundings. Although its roof form would reflect the gables on other dwellings on Seymour Villas there would be an abrupt change of scale between the development and No 2a. Although there are much larger villas on the eastern side of Anerley Road, the appeal site is directly related to the two-storey building pattern on the western side of Anerley Road.
12. I appreciate that there are instances in the local street scene where there are abrupt changes in scale between adjacent building forms, including individual large villas and a long terrace of maisonettes on Seymour Villas. However, the apparent ages of these buildings leads me to conclude their construction predated current planning policy. In any case, precedent does not necessarily warrant development that results in harm and each case is determined on its merits.
13. The appellant also argues that the development would create visual interest on Seymour Villas. I acknowledge that the development would have an active frontage on Seymour Villas as well as a detailed gable facing Anerley Road, but

I am not satisfied that this would justify a development that is disproportionately large in relation to its immediate surroundings.

14. It is also argued that the development would have a reduced footprint compared to No 186. Having reviewed the combined footprint of the dwelling and its garage, compared to the development, I consider there is no significant difference. Furthermore, much of the amenity space created would be peripheral to the development's footprint and would therefore have less impact than if the same amount of open space was concentrated in one area.
15. I also appreciate that the appeal before me has been amended in response to a previous appeal for a different development on this site, but that is not relevant to my reasoning.
16. The Council has not raised a concern in respect of the development's design as such, and I see no reason to disagree. However, this does not justify allowing the appeal for the reasons I have outlined above.
17. In the light of the above, I conclude that although the development would reflect the scale and height of buildings on the eastern side of Anerley Road, that is not determinative. The development would be located on a prominent corner on the western side of Anerley Road, where, as I have outlined above, the underlying building pattern has a different scale and form. The development would appear cramped and would have an adverse effect on the character and appearance of the area.
18. Consequently, the development would be contrary to the provisions of Policies 7.4 and 7.6 of the London Plan¹ (LOP) which taken together require development to have regard to the proportions, scale and orientation of their surroundings, amongst other parameters. It would also be contrary to the design aims of Policies BE1 and H7 of the Local Plan² (LP), which are also concerned in part with the integration of development into existing building patterns.
19. LP Policy H9 is concerned with the retention of space around residential buildings to ensure adequate separation. Although the development would be separated from boundaries with neighbouring plots by at least one metre, as expected by the policy, its supporting text notes that proposals will be expected to provide more generous side space where higher standards of separation already exist, as on some corner plots. As this is corner plot with a notable sense of openness, I consider the development would also fail to comply with this policy.
20. The Council has also cited Section 7 of the National Planning Policy Framework (the Framework), and two SPGs³ in its reasons for refusal. This guidance is concerned with good design and reinforces the policies I have referred to above.

Parking Demand

21. The development would provide one off-street parking space. It would be in an area of good public transport accessibility⁴ and the LOP recommends that in

¹ The London Plan, July 2015

² London Borough of Bromley, Unitary Development Plan, July 2006

³ Draft Supplementary Planning Guidance No 1 and No 2, July 2003

⁴ PTAL 4

such areas three bedroomed dwellings should have up to 1.5 spaces per unit. The Council has suggested one space per dwelling would be an appropriate provision for family accommodation, and I see no reason to disagree. I also note that No 186 has one off-street parking space and consequently, there would be a likely demand for three further on-street parking spaces if the appeal was allowed.

22. The appellant has had a parking survey⁵ carried out to support the argument that the development would not add to parking stress in the area. However, although the survey states that parking stress has been surveyed within 200 metres of the appeal site, the survey layouts appear to include areas beyond 200 metres from the site.
23. The survey indicates that although nearby side roads (Seymour Villas, Minden Road and Elder Oak) were found to have parking stress levels which varied between 56 and 93 per cent during the survey, parking stress levels for the same periods on Anerley Road were 26 – 45 per cent. However, from reviewing the evidence before me it appears that significant sections of unrestricted kerb space counted in the Anerley Road survey are further than 200 metres from the site. Consequently, I have given little weight to the results for Anerley Road, and conclude that the existing parking stress on the side roads is approaching and sometimes above the 85 per cent threshold.
24. Furthermore, when I visited the site, mid-morning, the nearest free parking bay on Seymour Road was approximately 200m metres away. Whilst I recognise that this is a snapshot in time, it leads me to conclude that on-street parking can be difficult for local residents, particularly as a large proportion of dwellings in the area do not have off-street parking provision.
25. The appellant has provided Census data to promote the argument that vehicle ownership in this area averages at 0.54 per household. However, the data provided does not correlate the size of household with vehicle ownership. Although the data shows that more than half of households in this Census recording area do not have a vehicle available for use, the recording area may include a large proportion of small or flatted households. As such, the data does not support the appellant's argument in respect of car ownership. In combination with my observations in respect of parking stress, I conclude that the development is likely to add to parking stress in the locality of the site.
26. I appreciate that No 186's existing accommodation creates a notional demand for two parking spaces. The appellant also argues that although No 186 has a garage, it is used for storage and therefore vehicles are parked on the road. Nonetheless, even if I accept this argument, the development would be likely to create a demand for two additional parking spaces over and above the current situation.
27. There is a dispute between the main parties in respect of the accident data for collisions at the junction of Anerley Road and Seymour Villas, with the Council identifying four accidents and the appellant two. However, there is nothing in the evidence before me to indicate that the junction's geometry is inadequate or that the position of the new access would be contrary to highway standards. The Council argues that Seymour Villas is a busy road, but traffic flow was light when I visited the site and there was little pedestrian traffic. Furthermore,

⁵ Transport Planning Consultants, December 2016

there is an existing garage access at No 186, albeit a few metres further from the junction. As such, I am not satisfied that one car entering and then reversing existing out of the proposed parking space would pose a significant hazard to either road traffic or pedestrians.

28. In the light of the above, I conclude that the development would generate a demand for at least two on-street parking spaces and that this would add to local parking demand. Whilst this would not be sufficient in the absence of other concerns to warrant dismissal of the appeal, it supports my reasoning that the development would represent overdevelopment of this modest corner plot.
29. This would be contrary to LP Policy H7 which requires new housing development to provide off-street parking. As I have not found the development would pose a significant threat to the safe and efficient operation of the highway, the development would not be contrary to LP Policies T11 and T18 which together aim to ensure road safety.

Living conditions

30. The rear elevation of the development would be perpendicular to the rear of No 184, and would be set back from the plot boundary by 3.5 metres. I noted on my visit that No 184 has habitable rooms on its rear elevation, and at that time the rear garden was in full sun.
31. The development's height, length, and orientation relative to No 184 would be likely to cause significant overshadowing compared to the existing dwelling of No 186, as well as representing a significant enclosing element. These effects would have an adverse effect on the living conditions of occupiers of No 184.
32. The appellant argues that there would be generous separation with the boundary of No 184 and that the sense of enclosure identified in a previous application would be avoided. However, given the length and height of the development I am not satisfied that a setback of 3.5 metres would be sufficient to avoid this effect. The appellant also notes that the underlying gradient would reduce the development's enclosing effect, but the slope is modest and the development would be some 9 metres high. As such it is unlikely to have a significant mitigating effect on outlook for occupiers of No 184.
33. With regard to overlooking of No 184 from the development's first floor oriel windows, I accept that obscure glazing and fixed lights could address the effect of direct overlooking. Nonetheless, the Council has also highlighted the effect of perceived overlooking from the obscure glazed panels, and given their number and proximity to No 184, I agree that there would be perceived overlooking and this would have an adverse effect on living conditions for occupiers of No 184 in respect of privacy.
34. With regard to the diminution of diffused daylight, the habitable rooms on No 184's rear elevation would not directly face the development and there would be reasonable separation. As such, there would not be a significant reduction in light levels.
35. Number 2a currently abuts the appeal site's single storey and flat roofed garage on Seymour Villas, with the garage projecting beyond what appears to be a habitable room on No 2a's front elevation.

36. The development would be set back from the plot boundary by about 1 metre and although its flank wall would be significantly higher than the existing garage, it would not extend as far as the frontage with Seymour Villas. Consequently, although I appreciate that it would be an enclosing element in views from No 2a, I am not satisfied that it would have a significant effect on the living conditions of occupiers of No 2a.
37. The Council has also highlighted that the clear sections of the development's first floor oriel windows would directly face the garden of No 2a. However, having reviewed the plans it appears that views from these windows would face the roof of No 2a, rather than its rear garden.
38. In the light of the above, I conclude that the development would have an adverse effect on living conditions for occupiers of No 184 with regard to outlook, light and privacy. This would be contrary to LP Policy BE1 which requires development to respect the amenity of occupiers of neighbouring buildings, amongst other considerations, as well as guidance in the SPGs.

Other matters

39. Interested parties have raised additional concerns in relation to disturbance during construction, and insufficient amenity space for future occupiers of the development. However, as I have found in harm in respect of the main issues, it is not necessary for me to consider these matters further.

Planning Balance

40. The Council does not have a five year housing supply, and consequently its policies for the supply of housing are considered out of date for the purposes of this decision, as outlined in Paragraph 49 of the Framework. In this context the only relevant policy is LP Policy H7, which gives recommended density for residential development. However, although the officer's report states that the development would exceed the habitable rooms per hectare measure set out in LOP Policy 3.4, the reasons for refusal do not specifically refer to density. Consequently, I see no reason to give lesser weight to any of the policies given in the reasons for refusal.
41. Furthermore, even if the Council's policies for the supply of housing were to be considered out of date, the harm I have identified above would significantly and demonstrably outweigh the benefits of additional housing. As such, the proposals would not represent sustainable development as outlined in Paragraph 14 of the Framework.

Conclusion

42. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR