



Appeal Decision

Site visit made on 4 June 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/G5180/W/19/3224422

46 Crystal Palace Park Road, Sydenham, London SE26 6UG

- 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 AOB Projects London Ltd against the decision of London Borough of Bromley.
 - The application DC/18/04327/FULL1, dated 22 September 2018, was refused by notice dated 21 December 2018.
 - The development proposed is the demolition of the existing dwelling and the erection of a four storey building comprising 2 x studios, 5 x one bedroom and 2 x two bedroom flats with associated car parking, landscaping and refuse store.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Further to the council's determination of the application the Bromley Local Plan (Local Plan) was adopted January 2019. The decision notice referred to policies in both the Unitary Development (UDP) and draft Local Plan. The UDP policies have now been superseded and therefore I have considered the appeal on the basis of the adopted Local Plan, and the policies identified by the Council in the decision notice; namely 4, 8, 30, 32 and 37.
3. The description of development in the heading above is different to that on the planning application form. However, the revised wording was confirmed by the appellant during the application process and accordingly I have used the agreed description as set out on the appeal form and decision notice.
4. The site benefits from an extant consent for a three-storey building comprising 8 units, granted in June 2018. The appeal scheme is in effect an amendment to that scheme for an additional storey, all other aspects of the scheme are unchanged.

Main Issues

5. The main issues are the effect of the development on: -
 - the character and appearance of the area, with particular regard to density and scale;
 - the living conditions for occupiers of neighbouring properties by virtue of overbearing impact; and

- highway safety having regard to the level of parking.

Reasons

Character and appearance

6. London Plan policy 3.4 seeks to optimise housing density compatible for the local context. As a suburban location with a PTAL rating of 3 the recommended density range is 50-95 dwellings per hectare /150-250 habitable rooms per hectare. At 131 dwellings per hectare and 257 habitable rooms per hectare the proposed development exceeds both of these ranges; significantly in terms of dwellings per hectare. Whilst I acknowledge this is a tool for guidance the density calculation matrix, which allows for a wide range of development sizes, does provide an indication of likely compatibility.
7. The area is a mix of individual properties and blocks of flats. The proposed development would be at a notably higher density than the surrounding area. The Council advise that the neighbouring development at The Haven is 150 habitable rooms per hectare. This development includes a large building fronting Crystal Palace Park Road which extends to four floors; however, the upper floor of accommodation is within the roofspace. Additionally, it has a more spacious plot with greater separation to the boundaries and landscaping to the front.
8. Both neighbouring blocks of flats (The Haven and Mayne Court) have a wide frontage to the road and are more limited in depth. In contrast the appeal scheme is narrow and deep, and the resultant development would create extensive flank elevations. Due to the stepped building line along Crystal Palace Park Road and the forward siting of the proposed building it would be prominent in views along the street. Whilst I acknowledge that the site layout is unchanged from the three-storey development the additional floor would significantly add to the building's scale. In my view this would result in an extensive form of development for the plot. I acknowledge that the design approach would visually create a more lightweight element to the upper storey, and that the materials would be appropriate for the locality, nevertheless this would not outweigh the identified harm.
9. I therefore find that the scale of the development would result in an intensive use of the site to the detriment of the character and appearance of the area. The level of development would not accord with London Plan 3.4 in terms of density and would conflict with Local Plan policies 4 and 37 which require high standards of design to respect local character, spatial standards, physical context and density.

Neighbouring properties

10. The building would be set further back into the site than the now demolished 'existing property', however it is sited substantially forward of Mayne Court. Mayne Court is a 1960s flat roofed three storey block of flats separated from the appeal site by a narrow access drive. The property has windows positioned close to the edge of the building.
11. At four storeys and only slightly inset from the boundary the proposed building would extend alongside, and some distance in front, of Mayne Court. The additional storey would result in an extensive façade to Mayne Court. The set back of the upper floor is minimal and given the elevated position it would not

be overly discernible, particularly on the flank elevations. As such, I find the additional height and extensive length of wall would have an overbearing impact on Mayne Court to the detriment of the occupier's amenity.

12. I cannot agree with the appellant that views from Mayne Court would not be affected by the development. I note that the appellant's diagram (appeal statement figure 7) takes the angle from a different position in relation to the 'existing' and 'proposed'. The angle of outlook from the outer windows on the front elevation would encompass the proposed development, and whilst the previous 'existing' building was sited further forward it was more limited in form, particularly in terms of height and depth.
13. The submitted Daylight, Sunlight & Overshadowing report dated October 2017 relates to the extant consent for a three-storey building. The increased height would have an impact on the assessed factors and would further reduce light/sunlight. Therefore, this report cannot be relied upon to demonstrate that the proposal would not have any adverse impact on the amenities of neighbouring properties, particularly as I note some measurements were only marginally above the minor adverse category.
14. The proximity of the development to the boundary contributes to the impact on the neighbouring properties, however it would be off set from the side boundaries by approximately 1m. Boundary separation is not consistent in the area and I note that the 'existing' property abutted the boundary. I therefore do not find direct conflict with Local Plan policy 8 which requires a minimum 1 metre space from the side boundary. Nevertheless, the development would have an unneighbourly relationship contrary to Local Plan policy 37 which requires development to respect the amenity of occupiers of neighbouring buildings and ensure relationships allow for adequate daylight and sunlight. Additionally, the development would be contrary to London Plan 7.4 which requires development to have regard to the form and function of the local area and contribute to a positive relationship, and policy 7.6 which amongst other things requires development not to cause unacceptable harm to the amenity of surrounding buildings.

Parking

15. Crystal Palace Park Road is a busy road and subject to waiting restrictions. The area to the front of the property is limited and would be entirely given over to parking/turning.
16. Parking standards under Local Plan policy 30 require 0.7 (min) -1 (max) for 1-2 bed units. The development would provide 5 parking spaces and remains the same as the extant consent. The appellant suggests that parking is not required for the studio units, however the additional floor is to accommodate a relatively large two-bedroom unit.
17. The development would not meet the minimum parking standard for the 9 units and would therefore conflict with the off-street parking requirements of Local Plan policy 30. There is no evidence before me to suggest that this would significantly adversely affect road safety and/or mean that the site is not accessible to all. As such, I do not find conflict with Local Plan policies 32 and 33. Whilst the concerns with regard to parking would not be sufficient to dismiss the appeal in the absence of other concerns, they reinforce my overall reasoning in relation to the scale of development.

Other matters

18. The appellant has referred to the increased housing targets for the Borough in the Draft London Plan and that emerging policy H2 encourages the development of small sites which is acknowledged. However, the site benefits from an extant consent which makes efficient use of the site and furthermore the draft London Plan is not adopted policy, and only of limited weight at this stage. The addition of one extra unit would add to the overall housing supply and would have associated economic benefits, although its contribution would be modest and would not outweigh the identified harm.

Conclusion

19. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR