



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: 29 July 2019

Appeal Ref: APP/G5180/W/19/3224430

Silver Leaves, Southill Road, Chislehurst BR7 5EE

- 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 Eddie Ossai against the decision of the Council of London Borough of Bromley.
 - The application Ref DC/18/04744/FULL1, dated 10 October 2018, was refused by notice dated 8 February 2019.
 - The development proposed is the erection of a three storey building to provide 6 flats.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 8 July 2019.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Since planning permission was refused the Bromley Local Plan (BLP) has been adopted. The decision notice referred to policies within both the Unitary Development Plan, now superseded, and the draft Bromley Local Plan. The Council have advised that the relevant policies are those of the BLP and I have considered the appeal on that basis.
4. The site has extant consent for a development of 4 units which was allowed on appeal¹. The bungalow which occupied the site has been demolished and the site has been cleared. Prior to the extant scheme there were a number of other applications for redevelopment of the site, several of which were also subject to appeal and have been referred to by the Council. Planning permission has also been granted for the redevelopment of the neighbouring property, The Hurns, and its neighbour, Hillcroft, for similar schemes of flatted development.

¹ Appeal Ref: APP/G5180/W/16/3160916

Main Issues

5. The main issues are: -

- Whether the proposed parking stackers would provide practical parking arrangements for future occupiers; allow for satisfactory pedestrian and cycle access; and effect occupiers of neighbouring properties (noise and disturbance); and
- The effect of the development on the character and appearance of the area, having regard to the scale and intensity of use.

Reasons

Parking arrangements

6. The utilisation of car stacker technology can be a practical way to increase parking capacity. Nevertheless, it is an unfamiliar system and therefore concerns by the Council and interested parties are understandable, particularly in relation to the operational aspects given this is to be a shared facility.
7. The submitted manufacturer's specification – 'Wöhr parklift 450' sets out dimensions and other details for an underground car park system, which is not proposed here. It also includes several options for the various elements. As such, the exact specification of the proposed parking stackers is not clear. Further details of the operational arrangements, as set out in the officer's report with reference to details from the manufacturer, do not reflect those proposed by the appellant. The appellant indicates that the spaces would be on a first come basis versus the manufacturer's recommendation for allocation so that drivers are accustomed to the best way to position the car, and for operational ownership.
8. Access to the property would be between the parking stackers and via steps located to the rear of the single parking stacker. The width of the path is limited and when in operation the lift would elevate vehicles to some height above the retaining wall in very close proximity. The plans refer to balustrades, although no details of these enclosures are provided. The enclosures are required for safety reasons and as such it is likely that they would have to be of a considerable height which would in my view have the potential to have visual and amenity impacts. Furthermore, it is likely in order to accommodate these elements their positioning and form would further reduce the width of the access path.
9. Whilst it is suggested that the platform would be in an elevated position only temporarily to allow access to the lower level parking, as already noted the operational elements are unclear. From the information before me, I am not persuaded that the scheme provides a practical or safe arrangement for occupiers, or visitors, who in order to access the properties and cycle storage would need to use this route several times a day.
10. The stackers are located adjacent to the site's side boundaries where they would be seen and potentially heard from neighbouring properties, both of which have balconies to the front. I acknowledge that there would be no alarms and that there are manufacturer options for noise attenuation which could be secured by a condition. Nevertheless, there are a range of other detailed aspects (including barriers/railings, lighting, drainage and management) which

would also need to be agreed. The front of the site is particularly constrained due to the limited width. There are also existing trees along the boundary with the Timbers. As such there is insufficient space to the front of the site to provide flexibility to adjust the arrangements.

11. The frontage also has limited space for vehicles to wait. Given the scale of the development the potential for vehicles having to wait whilst others manoeuvre is low, and Southill Road is wide enough that a car could wait without causing any adverse impact to road users. Nevertheless, I accept that the parking stackers may not be seen as practical and used by occupiers on all occasions, and any parking in the driveway would prevent access to the stackers.
12. I thereby agree with the Council that there is insufficient information to be satisfied that the parking stackers would provide a practical arrangement for the occupiers. Additionally I am unable to conclude that the arrangements would not result in undue harm to the amenities of the neighbouring properties.
13. I therefore find that the development would fail to comply with BLP policy 37 which amongst other things requires development to respect the amenity of occupiers of neighbouring buildings. The development would also fail to provide a layout which would give priority to pedestrians and cyclists and that demonstrates that off street parking is integrated within the overall design as required by BLP design policy 4. As a result, I am also unable to find that the development would comply with the minimum parking standards as set out in policy 30.

Character and appearance

14. The site is located along an unmade road, it has a narrow frontage widening into the plot which rises very steeply. The area comprises a range of property types including several of a substantial size. A number of the plots along Southill Road, including the appeal site, are currently enclosed by hoarding awaiting development. Nevertheless, the area retains an element of spaciousness and has a verdant character.
15. The proposed building would be set back in the plot with the parking stackers aligned in front of the neighbouring properties. The design reflects that proposed at The Hurns, designed by the same company, however The Hurns and Hillcroft have regular shaped plots and I also note that the approved scheme for The Hurns has each storey gradually set back. The appeal scheme is designed to respond to the topography of the site, and utilises the same footprint as the extant consent, although it would require extensive excavation.
16. The extant scheme was found by the previous Inspector to appear as 2 storeys with a habitable roofspace. In contrast this scheme presents 3 stories to the road. However, I accept that overall the building would be no taller than the extant scheme, and that the existing neighbouring property at the Hurns, is dominant in the street scene. Additionally, the appearance of this stretch of the road is changing with planning permission granted effectively for a run of three flatted developments. Both other permitted schemes are also of a contemporary design with flat roofs. The building would be off set from the boundaries and whilst the change to the roof form reduces the angle of view between the buildings, I do not find this element to be visually harmful.

17. The limited width of the site frontage would restrict street views of the parking area and on the basis that the parking stacker would only be in the elevated position temporarily they would not have a significant impact on the appearance of the area.
18. The density and unit sizes fully accord with policy requirements and whilst the plot has a number of constraints, I find that the scheme as a whole would be of an appropriate form and design for the locality, and would not have an adverse impact on the character and appearance of the area. I therefore find that the proposal would be in general conformity with London Plan policies 3.5 and 7.4 which seek high quality developments that respond to the local character. And, notwithstanding my concerns regarding the parking arrangements, I find that the scheme would accord with the wider elements of BLP policy 4 which requires development to respect local character.

Other matters

19. It is accepted that the site is located in a sustainable location and that it is suitable for a flatted development. The size of the units and amenity space would provide a good standard of accommodation, although these elements indicate a lack of harm rather than benefits of the scheme. The development would contribute to the Council's housing land supply and there would be modest economic benefits from construction employment and residents using local shops and services. However, these benefits do not outweigh the identified harm.

Conclusion

20. Whilst I find that the general scale and design of the scheme would not be out of keeping with the character of the area, I find that it fails to demonstrate that appropriate parking and pedestrian/cycle access can be accommodated without potential detriment to future and neighbouring occupiers. Therefore, for the reason set out I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR