



Appeal Decision

Site visit made on 1 February 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/G5180/W/18/3212171

180 – 190 Maple Road, Penge, London, SE20 8HT

- 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 Bruno Zuccola against the decision of London Borough of Bromley.
 - The application Ref DC/18/00446/FULL1, dated 30 January 2018, was refused by notice dated 15 May 2018.
 - The development proposed is erection of second and third floor rear extension and conversion of roof to create 3No. additional apartments and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the Bromley Local Plan in January 2019, after it had determined the planning application that is the subject of this appeal. Both parties were invited to submit observations on this change to the policy position and as a result I am satisfied that neither party has been prejudiced by it.

Main Issues

3. The main issues in this case are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on living conditions for neighbours, with regard to noise and disturbance; and
 - The standard of living accommodation that would be provided by the development, with regard to the privacy of the proposed roof terrace and balcony.

Reasons

Character and appearance

4. The appeal site comprises a three-storey building with a commercial unit at ground floor with flats above. The character of the area around the site is varied, with a mixture of building heights and designs. The building that is the

subject of this appeal is situated between No's 186, where planning permission has been granted for extensions and 192, which includes flats at upper levels.

5. The proposal is for extensions at second and third storey levels together with extensions to the roof. These extensions would provide for a further three flats at the site. One of the flats (Flat 9) would be served by a terrace on the flat roof of the extension below it.
6. The extensions would result in a substantial addition to the rear of the building and would be visible from Blenheim Close and Blenheim Road, in particular. I have considered that planning permission has been granted for development at the adjacent site and this would likely reduce views of the site. It would appear unlikely to remove them completely and, in any event, that development did not appear to have commenced at the time of my visit.
7. The upper level of the rear addition would sit above the eaves level of the existing building and that, when taken together with the addition to the roof, that would extend almost all of the roof slope, would, undermine the original proportions of the building to the extent that its character, together with that of the area within which it is located, would be harmed. That the building would remain lower overall than those around it would not address this concern. I consider that the scale and design of the extensions, when taken as a whole would appear bulky, prominent and visually obtrusive.
8. The amount of zinc cladding proposed would draw attention to and emphasise the mass of the extensions and would not sit comfortably alongside the brick used in the original building. The fenestration design along the side elevation, facing the road, would not appear visually compatible with the design approach to the original building.
9. The Appellant describes that innovative modern approaches to design should not be discouraged but in this case, as a result of the scale, design and materiality of the proposals, the result would be a dominating and visually jarring form of development that would not be compatible with the character and appearance of the area. Whilst the materials used may be sustainable in general terms, that does not overcome my concerns in this regard. I do not agree with the Appellant that the development would help to raise overall design quality in the area because I do not consider the proposal to be of a satisfactorily high design standard.
10. The Appellant sets out that the existing building does not make a particularly positive contribution towards the appearance of the area but even if that was the case, additions and extensions should still be of a high-quality design for their context and that would not be the case here.
11. Whilst the character of built development in the area is fairly varied, I do not consider that the proposals would be compatible with it for the reasons that I have described.
12. Accordingly, the effect of the development on the character and appearance of the area would be unacceptable and the proposals would not comply with Policy 37 of the Local Plan 2019, which seeks, amongst other requirements, to ensure that development is attractive and complements the scale, proportions, form, layout and materials of adjacent buildings.

13. The Council has also referred me to Supplementary Planning Guidance that seeks to secure good design that was adopted in 2004. I have not been advised as to the status of this document in the context of the recently adopted Local Plan but in any event, I am satisfied that the development would not comply with the relevant Development Plan Policy for the reasons that I have described.

Living conditions

14. The terrace serving one of the flats would be relatively large and whilst the property that it would serve would only have one bedroom, it appears to me that that the outside space, because of its scale and layout, would be suitable for larger groups of people to use, particularly during warmer and lighter months.
15. The near proximity of windows within the development, above and below the terrace, and side facing windows serving flats within Charles Dickens Terrace would likely be impacted by noise and disturbance associated with the use of this terrace to an extent that it could undermine the enjoyment of rooms within those homes. That impact would not likely be experienced all of the time but could occur for prolonged periods as certain times of the year.
16. The Appellant describes that planting and screening would be installed and that may assist in limiting noise to an extent, but it appears unlikely to address what in my view, would be a problematic relationship, to an acceptable degree. I have no details before me to demonstrate that such arrangements would be successful.
17. I am advised by the Appellant that many of the side facing windows at Charles Dickens Terrace serve kitchens. Even if that is the case, such rooms still require protection from excessive noise levels and disturbance. I also note that no neighbours objected to the planning application, but that does not mean that no harm would occur.
18. The Council makes limited reference to a potential impact on a window at No. 192 Maple Road. They provide no detailed evidence on this point and the Appellant sets out that the window in question serves a kitchen area within a commercial building. In the absence of further evidence, I am satisfied in accepting the Appellant's position on this additional matter.
19. However, the constrained nature of the site and the size and layout of the proposed terrace would not be compatible with the requirement set out in Policy 37 for development to respect the amenity of occupiers of neighbouring buildings and consequently, I conclude that the effect of the development on living conditions for neighbours would be unacceptable, for the reasons that I have described.

Standard of accommodation

20. The proposed roof terrace area serving one of the flats would be overlooked from windows within and beyond the site. I note that some screening would be installed which could limit that overlooking to an extent, and whilst I agree with the Appellant that complete privacy of outside space can sometimes be difficult to achieve in built-up urban areas, the proximity of the terrace to nearby windows, including those serving Charles Dickens Terrace, would be particularly problematic in this case.

21. I agree with the Appellant that the relationship between the terrace and windows at the neighbouring flats, with the terrace being positioned at a lower level than them, would assist, but I do not consider that it would address the matter to an acceptable degree.
22. The Council advises me that it has subsequently granted planning permission for a scheme at this site that does not provide outdoor amenity space, but I have considered the scheme that is the subject of this appeal.
23. Policy 37 seeks to secure the amenity of future occupants by ensuring that it is not harmed by a lack of privacy. In this case, the terrace would be very vulnerable to overlooking from multiple sources at close quarters and so I must conclude that the quality of living accommodation provided at the site would be unacceptable, in conflict with that policy requirement.

Other Matters

24. The Appellant has provided me with appeal decisions¹ which they say demonstrate that the Council is not able to demonstrate an ability to meet its housing need over the five-year period. The Council was given an opportunity to respond to this evidence.
25. I am satisfied that even if the presumption in favour of granting planning permission set out at paragraph 11 of the Framework was engaged, in this case, the adverse impacts of granting planning permission for this development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
26. In reaching that view, I have considered the positive weight that should be attached to the delivery of housing, the sustainable location of the site, the important contribution that small sites can make towards boosting housing supply and the benefits that can be associated with the efficient use of land and increasing density at previously developed sites. I have also considered other benefits, like employment generated during construction.

Conclusions

27. For the reasons that I have described, I have found that the proposals would cause harm to the character and appearance of the area and living conditions for neighbours and that the scheme would not result in an acceptably high standard of living accommodation for future residents. These adverse impacts would significantly and demonstrably outweigh the benefits associated with the development.
28. Accordingly, the appeal is dismissed.

N Smith

INSPECTOR

¹ APP/G5180/W/3206569, APP/G5180/W/18/3206947 and APP/G5180/Y/18/3206949