



Appeal Decision

Site visit made on 10 September 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Appeal Ref: APP/G5180/W/19/3232282

3 Wiverton Road, Sydenham, London SE26 5JA

- 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 Adam Glabay against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05624/FULL1, dated 19 December 2018, was refused by notice dated 2 April 2019.
 - The development proposed is the demolition of existing garage and the erection of a semi-detached two storey, 3 bed (5 person) dwelling house, including landscaping, and bicycle and bin storage areas.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's first reason for refusal refers to policies of the Emerging Local Plan. The Local Plan was adopted by the Council on 16 January 2019. At the time of the decision, and the time of this appeal, the Local Plan is adopted. Accordingly, the Local Plan now carries full weight.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the area, and 2) highway safety and the living conditions of residents with regard to parking.

Reasons

Character and appearance

4. The appeal site comprises a triangular piece of land to the south of 3 Wiverton Road in a predominantly residential area. The site currently accommodates a double garage that is attached to 3 Wiverton Road. No. 3 Wiverton Road is a grand semi-detached property with a significant amount of architectural detailing that positively adds to its character and appearance. This design, combined with the adjacent property, is unique in the street-scene which is predominately made up of other grand semi-detached and terraced properties along a tree lined street.
5. The appeal proposal would be attached to the gable of 3 Wiverton Road creating a terrace of 3 properties. The existing double garage would be demolished to

make way for the proposed dwelling. The proposed dwelling is of a modern architectural style. Proposed materials such as frameless structural glazing and dark grey and zinc cladding are not prevalent features in either the adjoining or surrounding properties.

6. I find some architectural merit in the design of the proposal in isolation, however in the context of the surrounding area, particularly the adjoining properties, I find that it would appear harmfully out of character. The contemporary design would jar with the ornate design of the adjoining properties, disrupting their symmetry and substantially diluting the positive impact they have on the street scene.
7. Notwithstanding the design of the proposed dwelling, I do not find that the proposal would, by reason of its width, layout or plot size, directly result in a cramped and incongruous form of development. The plot width on the street frontage would be consistent with that of other properties in the street. The plot at the rear is somewhat smaller than those surrounding the site, however this would not be particularly apparent from the street-scene and would not cause harm.
8. The appellant has referred to two other examples of infill developments in the street, including one almost directly opposite the appeal site. Like the appeal proposal the infill development opposite has been attached to a pair of semi-detached properties creating a terrace of 3 properties. The infill dwelling here has been described as 'pastiche' by the appellant. I do however find that it relates well with the form and appearance of the dwellings it adjoins. It appears as a new addition but does not harm the overall character and appearance of the properties it adjoins or the street-scene. I also find that the dwellings to which it adjoins are more mundane in appearance than the architecturally detailed properties adjoining the appeal site.
9. The other example referred to is a detached property, and whilst this serves to show that infill dwellings can be accommodated, I find its scale and appearance to be out of character with the street-scene and not a good example.
10. The appellant has referred to the removal of the 'unsightly' garage in support of the appeal. I find that the removal of the garage would only be of marginal benefit to the character and appearance of the area which would not outweigh the harm I have identified with the proposal.
11. I therefore find that the proposed dwelling by reason of its design would have an unacceptable impact on the character and appearance of the street scene. The proposal would therefore be contrary to Policies 4 and 37 of the London Borough of Bromley Local Plan (2019) and Policy 7.4 of the London Plan (2016). These policies seek to ensure, amongst other things, that new development achieves a high standard of design, respecting local character, positively contributes to the street-scene and should complement the scale, proportion, form, layout and materials of adjacent buildings and the qualities of surrounding areas.
12. I find some conflict with Policy 8 of the London Borough of Bromley Local Plan (2019) which normally requires specific distances to be maintained around residential units and the site boundary, however I do not find that this causes unreasonable harm to the character and appearance of the area

Highway safety and living conditions in relation to parking

13. The street has a high level of on-street parking. This is largely due to the fact that there are very few properties with any off-street parking. The appeal site, comprising a double garage and short driveway offers the opportunity to provide off-street parking for one or two vehicles. The proposed development involving the demolition of the garage would remove this opportunity. The proposed development does not include any off-street parking provision.
14. I observed on my site visit, on a weekday afternoon, that the street was heavily parked however spaces were available. The parking surveys submitted by the appellant demonstrate a high capacity of on-street parking with a small amount remaining. As highlighted by the appellant, the proposal would remove the dropped kerb and the restriction to provide access to the garage and thus allowing for at least one additional parking space on street.
15. It is clear from the evidence and the representations that the area experiences a high level of on street parking throughout the day. I do not however consider that the addition of one dwelling would make the existing situation significantly worse, nor has it been shown that the addition of one dwelling would cause demonstrable harm to highway safety. There is no evidence to suggest that the proposal would lead to congestion.
16. The Council have commented that the existing dwelling (which will lose its on-site garage), and the proposed dwelling could generate a parking demand for up to four vehicles. The appellant has commented that the garage is not used for parking and no evidence has been submitted to state that it must be made available or retained for this purpose. Whilst I have taken account of the fact that the proposal would remove the possibility of the garage being used for parking, I find that, for the reasons outlined, the appeal should not be dismissed on this basis.
17. The Council and the local residents are also concerned about the effect of the lack of parking provision on amenity in the form of parking stress and annoyance and inconvenience for existing residents. However, there is little evidence provided as to how parking on the street could have a harmful effect on amenity. I accept that residents may not always be able to park directly outside their property, however I do not find that the proposal would significantly add to this or cause an unreasonable impact on living conditions.
18. The Council and the views expressed in representations question the findings and methodology of the submitted parking surveys particularly that two surveys were carried out overnight and no survey was carried out during the day. Also, that the survey area, which includes streets other than that on which the appeal site is located, has been questioned.
19. I find that the times the surveys were carried out would be the time at which most residents' cars would be parked up. I find that this is a reasonable time to undertake the surveys. Although no surveys were undertaken by the appellant during the day, I was able to visit the area around the appeal site during the day to observe the parking situation.
20. In terms of the survey area, I also find this to be reasonable. To have focused solely on Wiverton Road would have not been appropriate when there may be capacity on other streets that are a similar distance from the site. Therefore, I

do not find any fault in the submitted parking surveys that would lead me to dismiss the appeal on this basis.

21. I have also taken account of the fact that the appeal site is in a sustainable location being less than 250m from a railway station and bus stops. Developments in such locations should aim to reduce reliance on car-borne travel.
22. I therefore conclude that the proposal would not result in additional parking demand that would cause demonstrable or unreasonable harm to highway safety or the living conditions of residents respectively. The development would comply with Policy 32 of the London Borough of Bromley Local Plan (2019), which seeks to ensure, that the potential impact of any development on road safety is not significantly adversely affected. Policy 30 of the London Borough of Bromley Local Plan (2019) outlines the levels of off-street parking the Council will normally require to be provided in new residential development. Whilst the proposed development would result in a 3-bedroom dwelling having no off-street parking, as opposed to a minimum of 1 (min) – 1.5 (max) as required by the Policy, for the reasons outlined above, I find that no demonstrable or unreasonable harm would be caused. Policy 6.13 of the London Plan (2016) sets out the maximum parking provision required. For a development of this size the maximum requirement would be 1.5 spaces. It is also outlined that all developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 space per unit. I therefore find that there is no conflict with this policy.

Other Matters

23. The appellant states that the proposed development represents sustainable development and will meet the local demand for family housing. However, given that only one unit is proposed, I find that these benefits would be slight and would not outweigh the harm I have identified with the proposal.

Conclusion

24. On the matter of character and appearance, I have found that the proposed development would cause harm to the character and appearance of the area. On the matter of highway safety and living conditions with regard to parking, I have found that the development would not cause demonstrable harm to highway safety or have an unacceptable impact on the living conditions of residents.
25. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR