



Appeal Decision

Site visit made on 22 October 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2019

Appeal Ref: APP/G5180/W/19/3234668

Land adjacent to Rochester House, 2-10 Belvedere Road, Anerley, London SE19 2AT

- 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 BG Funding Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00651/FULL1, dated 6 February 2019, was refused by notice dated 13 June 2019.
 - The development proposed is described as "Existing bin store fronting onto Belvedere Road to be removed along with 6 car spaces to the rear private courtyard belonging to Rochester House and replaced with a 4-bedroom 3 storey townhouse. The bin store is to be re-positioned to the rear of the proposed townhouse".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity, I have used the site address as described by the Council in their decision notice, rather than that on the application form.

Main Issues

3. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Belvedere Road Conservation Area (the CA), (ii) the effect of the proposal on the living conditions of occupants of Rochester House with particular reference to their outlook and whether the proposal would provide acceptable living conditions for future occupants of the appeal proposal with regard to privacy, and (iii) the effect of the proposed development on the safe and efficient operation of the highway network in the vicinity of the appeal site arising from any increase in local residents parking.

Reasons

Character and appearance

4. The appeal site, currently used a bin store and parking, lies in the gap between Rochester House and Mason Court, through which a parking area and flats are accessed. The wider street has a mixed appearance and scale, with development at a variety of heights, widths, finish and type. Despite that, the buildings on either side of the appeal site are a similar height and scale, giving a terraced appearance, consistent with the street-scene as a whole.

5. The Supplementary Planning Guidance for [the] Belvedere Road Conservation Area, adopted 2000 (the CA-SPG) states that the character of the area is found in its "harmonious diversity". It also highlights that although neighbouring buildings are seldom identical, there are unifying factors, largely relating to height and scale, as well as a mixture of dense terraces with spacious detached and semi-detached houses. The appeal site and its surroundings contribute positively to this character, with three to four storey residential properties flanking the site, a terrace of smaller houses opposite and buildings of varying heights and setting further away from the site.
6. I accept that the CA features a diversity of design and appearance, and that the design of the proposal is not pastiche. I also acknowledge the proposed use of appropriate detailing, materials and methods of construction. I note the comment of the Conservation Officer that this gap itself makes no contribution to the CA and that the reinstatement of the perimeter layout has a historical precedent and I do not consider that the proposal would harm views into or through the CA.
7. However, I also consider that the relationships between the buildings are important to the character of the area and that the immediate context to the appeal site is characterised by terracing, even where heights vary. The separation of the appeal proposal from Mason Court in particular, coupled with being shorter and narrower than the properties to either side would make it appear as an awkward addition to the street-scene.
8. The relationship of the proposal to the surrounding properties means that the proposal would neither appear to be densely terraced nor set in a spacious plot. Owing to its height and form relative to them, and its location between but not adjoining the neighbouring buildings, I do not consider that the proposal would necessarily enhance the sense of enclosure, which the CA-SPG highlights as a positive feature of Belvedere Road, even acknowledging that it partly fills the gap in the frontage.
9. As a result, I find that the proposal would, by virtue of its siting and consequent appearance cause harm to the character and appearance of the area, by introducing an awkward and incongruous building into the street-scene.
10. For the reasons outlined above, the proposal would neither preserve nor enhance the character or appearance of the CA. In the context of paragraph 196 of the National Planning Policy Framework (the Framework), I consider that less than substantial harm would be caused to the CA. However, I do not consider that the limited public benefits arising from the delivery of a single dwelling, even in light of a shortfall in deliverable housing sites, would outweigh this harm. In reaching this view, I note that paragraph 193 of the Framework states that great weight should be given to the conservation of the heritage asset.
11. The Council notes that the terrace at 11-25 Belvedere Road, opposite the site, is listed. I agree with their assessment that as a result of the distance between them and the appeal site, the proposal would not harm or adversely affect their setting or features of special architectural or historic interest which they possess.

12. The proposal is therefore contrary to Policies 37 and 41 of the London Borough of Bromley Local Development Framework Local Plan, January 2019 (the Local Plan), Supplementary Planning Guidance No 1 - General Design Principles, adopted 2004 (SPG1), Supplementary Planning Guidance No 2 – Residential Design Guidance, adopted 2004 (SPG2), the CA-SPG and Policies 3.5, 7.6 and 7.8 of the London Plan 2016. These seek, amongst other things, to ensure that development is of a high standard of design and layout, complements the layout, scale, proportion and form of existing buildings, respects and is sympathetic to the character and context of its locality.

Living conditions

13. I accept that the proposal would relieve the currently blank gable of Mason Court viewed from the flats in Rochester House by providing greater detail and visual interest. However, the extent of that relief would be limited to the brickwork detailing (albeit in yellow stock brick, rather than brown brick) and obscurely glazed windows. As such, whilst the outlook would not change significantly in terms of what is seen from Rochester House, the depth of that outlook would be significantly shortened. As a result, this would give rise to a much greater sense of enclosure than currently exists. As such, I consider that the proposal would be harmful to the living conditions of the occupiers of Rochester House with specific regard to their outlook.
14. Turning to the living conditions of future occupiers of the appeal proposal, I am mindful both of the level of fenestration of Rochester House and of the existence of, apparently well used, balconies facing the appeal site. I consider that the rear amenity space provided at the appeal site would be subject to such overlooking and perceived overlooking that it would not provide acceptable living conditions for future occupiers with respect to their privacy.
15. I note the comments relating to the dual aspect nature of the rooms and the levels of obscure glazing. I also accept that in dense urban areas such as this, there are situations where outlook is limited to the same or greater degree as proposed, and that gardens are overlooked to a degree similar to that proposed here. However, I do not consider that it would necessarily be appropriate to create such an arrangement where it does not currently occur.
16. The proposal therefore conflicts with Policy 37 of the Local Plan, SPG1 and SPG2, which seek, amongst other things, to ensure that development respects amenity and protects both the outlook and privacy of existing and future residents.

Parking

17. I note the comments of the Highways Officer, the concerns of the Council and third parties concerning the reduction in the total number of parking spaces available. However, given the high level of public transport accessibility in the area, and the apparent level of use of the current parking area, I do not consider that a reduction in the number of spaces available would have the potential to lead to an increase in residents parking on surrounding streets, put pressure on street parking and lead to harm to the safe and efficient operation of the highway network in the vicinity of the appeal site. The Committee Report indicates that this was the previous position of Council Officers.

18. The proposal therefore complies with Policy 30 of the Local Plan with regard to the level of parking provision, and the aims of the Framework to promote sustainable transport, given the high level of public transport accessibility in the area.

Planning Balance

19. The appellant has presented evidence to suggest that the Council cannot demonstrate a five-year supply of deliverable housing sites, and that as a result the policies which are most important for determining the application are out of date in line with paragraph 11d of the Framework. The Council has does not refute this position but does highlight the relevant tests in the Framework, particularly those in paragraph 11d.
20. As I have found above that there is less than substantial harm to a designated heritage asset and that this harm is not outweighed by the limited public benefit provided by a single additional dwelling, footnote 6 to paragraph 11d of the Framework provides a clear reason for refusing the appeal proposal.
21. Notwithstanding that, the harm I have identified to the character and appearance of the area and living conditions represent adverse impacts which would significantly and demonstrably outweigh the limited benefits provided by a single dwelling when assessed against the policies in the Framework taken as a whole.
22. Accordingly, this leads me to conclude there are no material considerations that indicate a decision should be taken other than in accordance with the development plan.

Conclusion

23. Although the proposal would comply with the development plan in respect of parking provision, it would neither preserve nor enhance the character or appearance of the CA and would cause harm to living conditions, contrary to the provisions of the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Dean

INSPECTOR