



Appeal Decision

Site visit made on 23 October 2020

By Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12/11/2020

Appeal Ref: APP/G5180/W/20/3248625

Land rear of 94 Crystal Palace Park Road, Sydenham, London SE26 6UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by CP Park Road Ltd against the Council of the London Borough of Bromley.
 - The application Ref DC/19/04354/FULL1, is dated 8 October 2019.
 - The development proposed is a new bungalow.
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Decision

1. The appeal is dismissed and planning permission for a bungalow on land to the rear of 94 Crystal Palace Park Road, Sydenham, London SE26 6UP is refused.

Procedural Matters

2. Despite what is indicated at Part F of the planning appeal form, it is clear from the evidence before me that the appeal is against the Council's failure to give notice of its decision within the appropriate period.
3. In its putative decision dated 28 August 2020 the Council sets out that, had it determined the application, it would have refused it for reasons relating to the scheme's impact on the character and appearance of the area, and the living conditions experienced by nearby occupiers. It is in that context, along with representations by interested parties, that I have identified the main issues.
4. Notwithstanding the details on the appeal form, in an email dated 4 November 2020 it was confirmed that the agent is Mr Sumeet Shah, and that the appellant is CP Park Road Limited.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers, having particular regard to the outlook from, and potential disturbance to, the occupants of the ground floor flat at 94 Crystal Palace Park Road.

Reasons

Character and appearance

6. The buildings along this stretch of Crystal Palace Park Road are typically substantial, around four storeys high, and are set back slightly from the highway with largely open areas to the rear. No 94 reflects that character. It, along with many nearby properties on this side of the road, is a Victorian-style detached villa which has been divided into flats.
7. The land to its rear has an unkempt appearance. Although planning permission has been granted for a single storey garage here (Ref: 10/00764/FULL1) ('approved garage'), it has not been built; and in common with most other rear gardens and rear parking areas in this row, the land is largely free of any significant structures.
8. The proposed bungalow would be located on this open area, towards the rear boundary of the site, close to a substantial three storey building known as Lincoln Court. Its facing materials would match those at No 94; and given its single storey form, it would be subordinate to it, and to other buildings nearby. However, that scale and form would be markedly at odds with the much more substantial proportions of most nearby structures.
9. Moreover, in this location to the rear of No 94, the bungalow's siting would jar with the prevailing and locally distinctive pattern of substantial buildings set just back from the highway, with largely open land or gardens to the rear. Given the local grain and pattern of development, the limited size of this plot, and the proximity of the proposed bungalow to its boundaries, the scheme would appear cramped.
10. Notwithstanding its location to the rear of No 94, the harm that I have identified would be apparent when viewed from Crystal Palace Park Road, particularly looking through the gap between frontage buildings formed by the access. Additionally, that harm would be evident in views from many nearby flats and, partially screened by trees, from parts of Charleville Circus.
11. However, given that the boundary of the Crystal Palace Park Conservation Area is on the opposite side of Crystal Palace Park Road, with No 94 in between, the setting of that designated heritage asset would not be harmed.
12. In an appeal following the refusal of a residential unit on the site in 2011 (Ref: APP/G5180/A/11/2148584), the Inspector found that the proposal would not harm the character and appearance of the area. However, he gave significant weight to the extant planning permission for the approved garage, and found that the scheme's size and form, and its overall visual impact, would be similar to it.
13. I have no reason to believe that that permission remains extant now. Consequently, it is no longer a fallback, and as pointed out by the Council, the planning policy context has changed since then.
14. For the above reasons, I conclude that the scheme would cause substantial harm to the character and appearance of the area. It would therefore conflict with Bromley Local Plan 2019 ('BLP') Policies 3 and 4, and Policies 3.5 and 7.4 of the London Plan (Consolidated with alterations since 2011) 2016 ('LP'), along with Supplementary Planning Guidance No. 1 and No. 2.

15. Amongst other things, and in general terms, they set out that buildings should be of high quality design which responds to its context in terms of the pattern, grain and proportions of development; and that residential development on garden or backland locations will not be permitted if there is an unacceptable impact on local character and appearance.
16. It would also conflict with the similar approach, and the emphasis on good design and local distinctiveness, in the National Planning Policy Framework 2019 ('Framework'). That also sets out at paragraph 70 that Councils may set out policies to resist inappropriate development of residential gardens.

Living conditions

17. Drawing no. P9/001 depicts two modestly proportioned parking spaces on the existing forecourt to the front of the site. That area is hard surfaced and appears to be already used for parking, although the absence of a dropped kerb in front of it would impede its use in the manner configured on that drawing.
18. The ground floor flat at No 94 has a large bay window facing that forecourt. However, there is a sunken space in between which ensures a small measure of separation. It is unclear from the available evidence whether the bay window provides that flat's main outlook or serves its principal living area. However, any disturbance from headlights and activity on the forecourt would typically be short-lived and intermittent, and any noise would be modest in the context of the busy Crystal Palace Park Road just beyond.
19. The proposed bungalow's modest bulk and height would limit its impact on the outlook from, and the availability of light to, nearby properties, including Lincoln Court and the more distant flats at No 94 and either side of it on Crystal Palace Park Road. For similar reasons, it would not have a significant overshadowing effect. Noise and disturbance arising from the occupants of a one bedroom dwelling, and from the comings and goings associated with it and with the three rear parking spaces, would typically be modest.
20. A 2m high fence would separate the proposed bungalow from No 94. That, along with the distance and other boundary treatment, would prevent any significant overlooking of No 94 and its neighbours either side. The proposed bungalow's rear rooflights would provide light within it, but their high position would prevent any meaningful outlook from there towards Lincoln Court.
21. Consequently, the proposal would not impact the living conditions within No 94, or those properties nearby, to a harmful degree. The scheme would not therefore conflict with the relevant parts of BLP Policies 3 and 37 which require development to respect neighbouring amenities.

Other matters

22. Drawing ref P9/004 shows how vehicles could park and manoeuvre to the rear of the site. Whilst the access drive leading to it is narrow, it is already in place, and I am not therefore persuaded from the available evidence that the scheme would significantly harm road safety.
23. The appellant states that the scheme would tidy up the site's unkempt appearance and that soft landscaping is proposed. However, this scheme is not the only way in which that could be achieved. The scheme would

incorporate various sustainable technologies, although it is unclear whether these would go significantly beyond what is required by the development plan.

24. In its favour, the scheme would make an efficient use of the land and would contribute to the supply of housing in accordance with the development plan, and the Framework's requirement to significantly boost the supply of housing. Whilst that contribution would be small, this is nonetheless a significant benefit given that the Council does not have a five year housing land supply.

Planning Balance and Conclusions

25. I have found that the scheme would substantially harm the character and appearance of the area, contrary to the development plan. However, given that the Council cannot demonstrate a five year housing land supply, those policies most relevant to determining the application are out-of-date.
26. Having regard to the three dimensions of sustainable development as set out in the Framework, whilst there would be social and economic benefits, particularly from the scheme's contribution to housing supply, there would be significant environmental harm due to the adverse impact on the character and appearance of the area.
27. Applying the Framework's tilted balance at paragraph 11d), taking the harm that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits that it would deliver when assessed against the policies in the Framework taken as a whole. The scheme does not therefore benefit from the Framework's presumption in favour of sustainable development, and the decision should be taken in accordance with the development plan.
28. I have considered other objections raised by interested parties, but the additional matters have not been determinative in this appeal. For the above reasons, and having regard to all other matters raised, the appeal is dismissed, and planning permission is refused.

Chris Couper

INSPECTOR