



Appeal Decision

Site visit made on 20 October 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/G5180/W/20/3255535

Land adjacent to Llewellyn Court, 28 Howard Road, Penge, London SE20 7AS

- 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 Radcliffe Housing Society against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/00328/FULL1, dated 16 January 2020, was refused by notice dated 20 April 2020.
 - The development proposed is erection of 6 no. affordable units and reconfiguration of existing car park with associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has provided revised plans proposing amendments to the scheme including gates to the undercroft parking area; a pedestrian route and revised entrance; lighting and an access from the car park to Llewellyn Court. However, the revised plans have not been considered by the Council at application stage. In the interests of fairness, I must ensure that what is considered at appeal is what was considered by the Council and therefore I have not taken the revised plans into account.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether it would provide acceptable living conditions for future occupiers with particular regard to whether it would provide a safe and secure living environment;
 - The effect of the proposed development upon the living conditions of nearby occupiers with particular regard to outlook and privacy; and
 - The effect of the proposed development upon the safe and efficient operation of the local highway network.

Reasons

Character and appearance

4. The appeal site is the car park associated with Llewellyn Court a 3-storey building accommodating flats. The car park has a functional purpose rather than providing an attractive setting for nearby buildings but nonetheless provides separation between the more modern Llewellyn Court and traditional two storey dwellings.
5. Howard Road varies in terms of its architecture and building heights. Whilst the set back of properties from the road creates a sense of openness the street has a tighter urban grain. The appeal site is somewhat at variance to this.
6. The proposed development would erode the sense of openness that currently exists. However, I find that this would not unduly harm the character and appearance of the area given its tighter urban grain and as gaps would be retained between the proposed development and neighbouring properties.
7. Notwithstanding the above the proposed development sitting forward of a large part of Llewellyn Court and in line with the bay window of No 26 would result in a building that would appear overly prominent and dominant within the street scene, irrespective of the proposed landscaping.
8. This sense of obtrusion would be compounded by the form and detailed design of the proposed development which offers no relationship to neighbouring buildings. I acknowledge that the height of the proposed development would be commensurate with neighbouring buildings. However, its uniform height, wide frontage and window proportions would render it an awkward and uninspiring presence in the street failing to address the transition between properties in the street scene, notwithstanding the varying form and appearance of properties in the area.
9. As such, I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies 4 and 37 of the Bromley Local Plan (2019) (BLP) which, amongst other things, requires new housing development to achieve a high standard of design and layout whilst enhancing the quality of local places; new development to be imaginative and attractive to look at; of good architectural quality complementing the scale, proportion, form and materials of adjacent buildings and positively contribute to the existing street scene.
10. The proposed development would also be contrary to Policies 3.5, 7.4 and 7.6 of the London Plan (2016) (LP) which, amongst other things, requires all new housing development to enhance the quality of local places; development to create a positive contribution to the character of a place and be of the highest architectural quality and comprise details and materials that complement the local architectural character.

Living conditions for future occupiers

11. The proposed flats would be accessed through the undercroft car park without any dedicated pedestrian route from the road to the entrance lobby. The route and entrance would not be well defined or overlooked. This arrangement would not be suitable for future occupiers resulting in an uninviting environment that

would be unsafe. In addition, it would likely lead to conflict between pedestrians and vehicles.

12. As such, I conclude that the proposed development would not provide satisfactory living conditions for future occupants. It would be contrary to Policies 4 and 37 of the BLP which, amongst other things, requires the layout to give priority to pedestrians over the movement and parking of cars and that security and crime prevention measures are included in the design of buildings and public areas.
13. It would also be contrary to Policy 3.5 of the LP which, amongst other things, sets out that the design of all new housing developments should enhance the quality of local places, taking into account communal and open spaces.

Living conditions for existing occupiers

14. The Council acknowledge that there would not be any direct overlooking of neighbouring properties. Therefore, I am satisfied that neighbouring occupants would not experience a loss of privacy as a result of the proposed development.
15. Whilst the proposed development would be visible from No 26 it would be set a reasonable distance off the boundary and the stepped design would not result in a sense of enclosure or diminish the outlook experienced to a degree that it would be overbearing for its occupants.
16. Due to the orientation of the proposal any impediment of sunlight would be minimal and would not substantially reduce the amount of natural sunlight reaching No 26 and its garden.
17. I acknowledge that residents in Llewellyn Court currently have views over the car park and this would undoubtedly change. In my view the proposed development would be sited a sufficient distance from existing windows and would not unduly diminish the outlook experienced or lead to a loss of privacy for the occupants. The grassed area would be maintained providing an adequate gap between properties which would not lead to a sense of enclosure.
18. I conclude that the proposed development would not adversely affect the living conditions of existing occupiers. In this regard it would accord with Policies 4, 8 and 37 of the BLP which, amongst other things, require a high standard of design and layout for all new housing developments; the retention of adequate side separation between boundaries and buildings and the amenity of occupiers of neighbouring buildings to be respected.
19. It would also accord with Policies 7.4 and 7.6 of the LP which, amongst other things, requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings in relation to privacy and overshadowing.

Safe and efficient operation of the highway network

20. The Council's highway officer has indicated that they would accept 17 onsite parking spaces. The development proposes 15 spaces for residents, therefore, it is deficient of parking spaces.
21. At the time of my visit I observed a significant number of available parking spaces within the Llewellyn Court car park and signs of parking pressures on Howard Road were not obvious, notwithstanding the presence of crossovers

- and traffic restrictions in the area. The appellant's parking study indicates that even overnight parking on street is relatively low and there is plenty of spare capacity. This assessment has not been challenged and I have no reason to dispute its findings. Whilst I acknowledge that this is a snapshot in time, based on my observations and the evidence before me I am satisfied that the availability of parking on site and on street is not at a premium.
22. Notwithstanding the shortfall of spaces, the displacement of a small number of resident's vehicles or visitors onto Howard Road or surrounding roads is unlikely to lead to parking stress or unduly affect highway safety.
23. The site is located within an area accessible by different means of transport including by foot and public transport in the form of bus services and nearby railway stations. It would therefore be perfectly feasible for occupants to live in the proposed development without the need for a car and who would be able to travel for work, services or leisure by public transport, bicycle or on foot.
24. Whilst the proposed undercroft car park would not allow delivery or service vehicles to pull in off the road, this is the situation for many properties along the street. Given the short nature of these visits and the availability of spaces along the road I am satisfied this would not affect highway safety or vehicle movements.
25. I conclude that the proposed development would not adversely affect the safe and efficient operation of the local highway network. It would accord with Policies 30 and 32 of the BLP which, amongst other things, seeks to ensure that any development does not significantly adversely affect road safety.
26. It would also accord with Policies 6.12 and 6.13 of the LP which, amongst other things, requires an appropriate balance being struck between promoting new development and preventing excess car parking provision.

Planning Balance and Conclusion

27. The Council accepts that they cannot demonstrate a deliverable five-year supply of housing land as required by paragraph 73 of the National Planning Policy Framework (the Framework). For the purposes of this appeal the supply is in the region of 3.31 years. Consequently, paragraph 11 d) ii is engaged.
28. Paragraph 11 d) ii states that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the development plan policies which are most important for determining the application are out-of-date and permission should be granted, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
29. The Framework makes it clear that good design is a key aspect of sustainable development. It also expects development to add to the quality of the area and be visually attractive as a result of good architecture and layout and to create places that are safe, inclusive and accessible. Even taking into account the objective to significantly boost the supply of housing and the Council's housing land supply position, the conflict between the proposal and Policies 4 and 37 of the BLP should be given very significant weight in this appeal.

30. In my judgement the provision of 6 affordable houses, secured by the submitted planning obligation, must be given significant weight. The proposed development would also make an efficient use of land and would contribute towards inclusive communities through the proposed tenure and would, in part, meet the regeneration aims and objectives in the Crystal Palace, Penge and Anerley Renewal Area. These are all factors in the schemes favour.
31. Whilst I have found that the proposed development would not cause material harm to the living conditions of existing occupiers or to the safe and efficient operation of the surrounding highway network, these are essentially matters of neutral consequence in the overall planning balance. Very significant harm would be caused to the character and appearance of the area. In addition, it would fail to provide acceptable living conditions for future occupiers. In respect of the latter considerations, I have found conflict with policies in the BLP, LP and the Framework.
32. In the context of the above, and taking into account the aforementioned other considerations, I find that the identified adverse impacts of the development would not be significantly and demonstrably outweighed by the identified benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal is dismissed.

B Thandi

INSPECTOR