



Appeal Decision

Site visit made on 8 April 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2021

Appeal Ref: APP/G5180/W/20/3257236

86 Cambridge Road, Penge, London SE20 7XL

- 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 P Steel against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/01611/FULL1, dated 29 April 2020, was refused by notice dated 8 July 2020.
 - The development proposed is formation of a new three bed end of terrace dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for formation of a new three bed end of terrace dwelling at 86 Cambridge Road, Penge, London SE20 7XL in accordance with the terms of the application, Ref DC/20/01611/FULL1, dated 29 April 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. The material submitted by the appellant for the purposes of the appeal includes a technical note and parking survey relating to reason 2) for refusal given in the London Borough of Bromley Council's (the Council) decision notice. On the basis of this technical note, which was not available at the application stage, the Council no longer contesting this ground of the appeal, and I have determined this appeal accordingly.
3. Since Bromley Council's (the Council) refusal of the application Ref DC/20/01611/FULL1, the Mayor of London has adopted a new London Plan. In line with Planning Practice Guidance, my consideration of the issues of this appeal has, therefore, been on the basis of the National Planning Policy Framework (the Framework), the policies of the Bromley Local Plan (2019) (the Local Plan) and the London Plan (2021) (the London Plan). The appellant and the Council have confirmed that this is not prejudicial to their respective cases.
4. The address used for the appeal property varies between the documents submitted for this appeal, for clarity I have used the address used in both the Council's decision notice and the appellant's appeal statement.

Main Issue

5. The main issue of this appeal is the effect on the character and appearance of the local area.

Reasons

6. The proposal is for the erection of a 2 storey, 3 bedroom house that would be added to a pair of semi-detached houses at 86 and 88 Cambridge Road (No.86 and No.88), which effectively creates a gable ended end of terrace house, adjoined to and aligned with the front elevation and roof of No.86. The proposed house would involve the removal of an existing outbuilding and would stretch across the full available width of the small appeal plot, which narrows towards its rear.
7. The main length of Cambridge Road, is fronted by long blocks of traditional 2 storey palisaded terraced houses, with occasional gaps between the blocks, which fundamentally defines the character and appearance of this road, and that mirrors that of the wider area.
8. At the south eastern end, this coherent character and appearance peters out, with some single storey commercial buildings and enclosed yards on a nearby plots. This end of the road is where the appeal site can be found, which appears as a wide gap between the end of terrace house at No.84 and of the semi-detached pair of No.86 and No.88. To the other side of this semi-detached pair is a small recently constructed red brick detached house in traditional form, which appears at odds with its neighbouring semidetached pair and particularly the prevailing terraced form of development in the local area. The rest of the street, where it bends and joins with Marlow Road, is also fronted by recently constructed but traditionally formed terraced houses and what appear to be some maisonettes.
9. The existing gap between the houses at No.84 and No.86 appears as an opening in the streetscape, which is at odds with the prevailing and coherent pattern of terraced house development with occasional narrow gaps between terrace blocks. By following this prevailing pattern of terraced development, the proposal would close this gap and would link the properties that are separated at this end of the street to the more consistent terrace that forms the main street frontage.
10. The proposed house would have a gabled ended flank and its footprint would follow the boundary of the tapering plot of the appeal site, this would result in a consistent gap of approximately 1 Metre for the full length of the gap between No.84 and No.86 This separating distance between houses is compatible with that to be found along this street and within the terraced development that forms the coherent character and appearance of the wider area.
11. Policy 8 of the Local Plan states that when considering an application for new residential development, the Council will normally require a building of two or more storeys in height to have a minimum 1 Metre space, to be retained from the side boundary of the site for the full height and length of the building. However, in this instance the narrow 1 Metre Gap between the side wall of the proposed house and its neighbour at No.84 represents the extent of the gap to be found between

the blocks of terraced houses in the street, and which, therefore replicates the normal situation within this townscape context.

12. Although the proposed house would be on a small plot, it would sit comfortably on the appeal site, reflecting the prevailing local form of development and wider townscape. In this context, the tight end of terrace form of the proposed house and the resulting 1 Metre separating distance between it and No.84 would infill an existing weak gap in an otherwise coherent streetscape on this side of Cambridge Road.
13. For these reasons, the proposal would not result in it appearing as a cramped form of development detracting from the street scene in this particular part of Cambridge Road and it would, therefore, comply with Policies 4, 8 and 37 of the Local Plan, Policy D3 of the London Plan and Paragraph 127 of the Framework, which collectively seek to ensure that new housing development is of a high standard of design, contributes to the existing street scene, has appropriate separating distances and that are sympathetic to the local character.

Other Matters

14. As the proposal would comply with the development plan and national planning policy, for the reasons given above, there is no need for me to consider the proposal with regard to the Councils Housing Supply Shortfall and the presumption in favour of sustainable development set out in paragraph 11d of the Framework.
15. Concerns have been raised by other interested parties with reference to the effect of the proposed development on the market value of neighbouring property. This is not, however, a matter to which I can give significant weight in my consideration of the proposal, which has been considered on its own merits for planning purposes.
16. Concerns have been raised by the occupiers of No.84 to the effect of the proposal on the amount of light available to their kitchen and the potential for noise disturbance when occupied. Given the orientation of the properties and the rear alignment, I find that there would be a negligible loss of light. Given the residential nature of the proposed development, I do not find that, when in normal use, the proposal would result in an unacceptable level of additional noise in a residential area of this type. For these reasons, I find that the proposal would not result in harm to the living conditions of neighbouring residential occupiers.
17. Concerns have been raised by other parties with regard to the quality of the foundations and general quality of construction of the proposed house, along with the effect on the foundations of neighbouring properties. I do not consider these to be material to the considerations in this instance, as these would be dealt with separately under other legislation.
18. Concerns have also been raised by other parties with regard to the addition of another residential property and its effect on the sanitation, waste and dirt and rodents in the area. I do not find that the addition of a single 3 bedroom house in the area would result in an overcrowded condition or necessarily result in any worsening of the local situation in this regard.

19. Parking and road safety have been raised as concerns by other interested parties. I am satisfied that the technical note and parking survey provided by the appellant and accepted by the Council, demonstrate that the proposal would not result in undue harm in this regard.
20. Neighbouring residential occupiers have raised concerns regarding the potential for disturbance during construction of the proposal, this can be managed through the attachment of suitable conditions to a permission.

Conditions

21. I have had regard to the conditions suggested by the Council in the event of the appeal being allowed. However, I do not find that there are exceptional reasons that would require the removal of permitted development rights for the proposed development.
22. To ensure that the proposed development is satisfactorily drained, I have imposed pre-commencement conditions relating to the surface water drainage. To ensure access to an alternative to private car use, I have attached a condition requiring secure cycle parking. To ensure effective use of the highway, I have required a condition related to the removal of a vehicular cross-over of the footway. I have also attached a condition to ensure appropriate refuse and recycling facilities to ensure adequate and visually appropriate provision.
23. To safeguard the character and appearance of the area, as well as local ecology, I have imposed a landscaping condition. In the interest of security and crime prevention, I have imposed a condition requiring the submission of details of security related measures.
24. To protect the living conditions of occupiers, I have attached conditions relating to measures to mitigate the impact of the railway situated to the rear of the appeal site. In order to minimise the impact on the Air Quality Management Area I have imposed a condition relating to gas boiler performance.
25. To avoid local disturbance during construction I have imposed conditions requiring details and plans for the site set up and management during construction and a further that controls the hours of construction.

Conclusion

26. For the above reasons, I conclude that the appeal should be allowed, subject to the conditions as set out in the attached schedule.

Victor Callister

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor's buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.
- 3) No construction work shall take place on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no working on Sundays or Public Holidays.
- 4) i) Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species.
 2. Proposed hardstanding and boundary treatment.
 3. A schedule detailing sizes and numbers of all proposed trees/plants.
 4. Sufficient specification to endure successful establishment and survival of new planting.

(ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

(iii) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.
- 5) Surface water drainage:

- (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.
 - (b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan and the advice contained within the National SuDS Standards.
 - (c) The drainage scheme approved under Parts (a) and (b) shall be implemented in full prior to first occupation of the development hereby approved.
- 6)
 - (i) The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and development. No above ground construction shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) The approved measures shall be implemented before the development is occupied and the security measures to be implemented in compliance with this condition shall achieve the Secured by Design accreditation awarded by the Metropolitan Police.
- 7) Before any of the dwellings hereby permitted are first occupied a suitable screen to protect the development from railway noise of a height and type to be approved in writing by the Local Planning Authority shall be erected in such a position along the southern boundary of the residential development as shall be agreed by the Authority and shall be permanently retained thereafter.
- 8)
 - (i) A scheme requiring the building and all fenestration to be designed so as to provide sound insulation from external noise and vibration from the railway shall be submitted to and approved in writing by or on behalf of the Local Planning Authority prior to construction of above ground works.
 - (ii) The scheme shall be fully implemented before any of the dwellings are occupied and permanently retained as such thereafter.
- 9) The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details to be submitted to and approved in writing by the

Local Planning Authority. The approved enclosure shall be permanently retained as such and the footway/verge reinstated as appropriate.

- 10) No part of the development shall be first occupied until secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority prior to construction of any above ground works. The spaces shall thereafter be retained.
- 11) No part of the development shall be first occupied until arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority prior to construction of any above ground works. These arrangements shall thereafter be retained.
- 12) The first-floor bathroom window in the rear elevation shall at all times/be glazed with obscured glass and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.
- 13) The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh.

END OF SCHEDULE