
Appeal Decision

Site visit made on 14 December 2021

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/G5180/W/21/3276217

95 Anerley Road, London, SE20 8AP

- 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 M Pattni (Anerley Ltd) against the decision of London Borough of Bromley.
 - The application Ref DC/20/03701/FULL1, dated 18 September 2020, was refused by notice dated 1 April 2021.
 - The development proposed is described in the application form as “form a mansard over the existing rear closet extension together with a dormer to the main rear roof slope and insert Velux roof lights in the main roof to form a new one bed two person flat within the existing roof space”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect upon the character and appearance of the area and (ii) whether the proposal would provide for a suitable standard of living accommodation for future residents.

Reasons

Character and appearance

3. The appeal property is one of a group of several buildings of a similar design on the east side of Anerley Road, incorporating shallow hipped roofs which have largely been unaltered from their original design. Whilst there are also buildings of different design nearby, including at the neighbouring 97 Anerley Road, the group of similar properties makes a strong contribution to the character and appearance of the area.
4. The proposed roof extensions would affect the rear of the property and would not be visible from the front. Nevertheless, taking account of their size and design, the proposed mansard and dormer would significantly alter the roof profile at the rear and would be of a different form to the existing shallow pitched roof design. It would considerably upset the overall balance and proportions of the roof.
5. The resulting development would amount to a discordant addition to the existing roof to the detriment of the architecture and appearance of the building as a whole. Whilst it would not be visible from the front, the development would be visible from the rear amenity area of this, and

neighbouring properties, and also from the adjacent driveway to Melbourne Court.

6. Whilst the proposal would utilise materials to match the existing property, this does not overcome the harm that would result from the overall form and appearance of the development.
7. The proposal would not therefore amount to a high standard of design and would result in an adverse effect upon the character and appearance of the area. It would conflict with the relevant design aims of Policies 4 and 37 of the Bromley Local Plan (January 2019) ('the Local Plan').

Living accommodation

8. The Nationally Described Housing Standards requires a 1 bedroom, 2 person dwelling to have a minimum floorspace of 50sqms. It states that at least 75% of the floor area should have a floor to ceiling height of a minimum of 2.3m. The Mayor's standards also say that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged.
9. In this case, only 39% of the proposed internal floor area would achieve the 2.3m height standard. The plans indicate that the kitchen would be particularly restricted with part of it being below 1.8 in headroom which would be likely to cause considerable inconvenience in its use by future residents. Whilst 26.5m of the floor area would have a floor to ceiling height of 2m (and over 31 sqms would achieve at least 1.8m) this is some way below the recommended standard. Overall, whilst the overall floor area exceeds 50 sqms, the sloping roof would significantly constrain the use and practicability of the residential environment.
10. The main living accommodation would be lit and ventilated by two front and two side rooflights. The open plan kitchen/living room area would be partially lit by two of the rooflights. Although the roof lights have been positioned to be of a low height and the views from them would not be restricted by neighbouring buildings, the lack of vertical windows, from which clearer outlook could be sought, would provide for a rather restricted outlook from the main living area. Whilst the bathroom would have a small window and the bedroom would be lit by two rooflights, the limitations of the open plan kitchen/living room, both in terms of outlook and the generally constrained floor to ceiling heights would fall short of the requirement to provide a suitable high quality standard of living accommodation.
11. The proposal would not provide any private external amenity space and, taking account of the above mentioned height constraints, it does not adequately provide for the required additional floor space. The existing property has the benefits of a substantially sized rear garden. Whilst not providing private amenity space, this appears capable of providing for some general outdoor amenity subject to access being available. This would reduce the harm from the under provision against the relevant standards in respect of outdoor amenity space.
12. Overall, the proposal would not provide for a suitable standard of living accommodation. It would be contrary to the relevant design and amenity requirements of Policies 4 and 37 of the Local Plan and the Mayor of London's Housing Supplementary Planning Guidance.

Other Matters

13. Whilst the use of airspace above existing residential premises for new homes is encouraged by the National Planning Policy Framework ('the Framework'), in this case, and as set out above, the proposal would not amount to well-designed development and would be contrary to local design policies and standards. The support for making more efficient use of land and developing small sites is also tempered by the design harm that would result.
14. The evidence provided indicates that the Council is not able to demonstrate a five year housing land supply with a figure provided of 3.31 years supply, representing a significant shortfall. On this basis the tilted balance is triggered in the context of paragraph 11 of the Framework. The addition of a one bedroomed dwelling would make a small contribution to the supply of housing and reducing the shortfall which attracts some, albeit fairly modest, weight in support of the proposal.
15. The proposal has sought to respond to the previously dismissed appeal¹ in respect of the previous scheme. Whilst considerable changes have been made in comparison to that scheme, including the removal of the previously proposed main mansard roof, I have found harm to still result.
16. Although no objections have been received from neighbouring residents, it remains to be necessary for the proposal to be considered against the relevant local and national planning policies.

Conclusion

17. The proposal would result in harm to the character and appearance of the area and would not provide suitable living accommodation for future residents. It would be contrary to the aims of the Framework to achieve good design and to provide a high standard of amenity for existing and future users. The resulting harm attracts considerable weight in this appeal. Whilst it would provide for one new dwelling which attracts modest weight and seeks to make more efficient use of the existing property, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. Overall, the proposal would conflict with the development plan and other material considerations do not outweigh this finding. I therefore conclude that the appeal should be dismissed.

David Cliff

INSPECTOR

¹ APP/G5180/W/19/3221542