
Appeal Decision

Site visit made on 12 July 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/G5180/W/21/3284618

70 Maberley Road, Anerley, London SE19 2JD

- 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 Neill Quinton against the decision of the Council for the London Borough of Bromley.
 - The application Ref DC/20/04431/FULL1, dated 30 October 2020, was refused by notice dated 27 May 2021.
 - The development proposed is described as “new dwelling within existing front garden of 70 Maberley Rd.”
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is located on the eastern side of Maberley Road in Crystal Palace. The area is principally residential, with varying styles of properties, albeit with a distinct traditional feel. The units in Hamlet Road are larger detached properties, many sub-divided into flats, whilst the properties in Maberley Road are more modest, providing a mixture of detached and semi-detached dwellings.
4. The land at the appeal site has a distinct level change, sloping down and away towards the railway line in the east. The donor property (No 70) and No 72 Maberley Road are set back significantly from both the roadside, and the adjoining properties at Nos 74 and 76, and accessed via a set of stairs. Views of the donor property are restricted to glimpses mainly from the stepped access.
5. The appeal site, in the front garden is well screened from the street when approaching it from either north or south directions. Due to the angle of the road and the steep topography sloping down and away from the street it is difficult to see into the site from these approaches until directly in front of the access. The appearance and character of the site from this viewpoint is of a landscaped garden with a mix of trees and vegetation.
6. Policies 3, 4 and 37 of the Bromley Local Plan adopted January 2019 (BLP), amongst other things, seek to ensure that development is of a high standard of design and that it respects, complements and is compatible with the

surrounding area. The National Planning Policy Framework 2021 (the Framework) also states that proposals should respond to local character or reflect the identity of the surroundings. Policy 8 of the BLP requires new residential development to normally retain a minimum of 1m space from the side boundary, or more generous side space where greater distances prevail.

7. The design has been carefully considered by utilising the topography and the significant level changes from the street to the garden, thus disguising the two-storey element to appear as a single storey unit from the street. Nevertheless, the upper floor, front elevation, terrace and parking area of the proposed development would all be visible from this point of view. Although existing vegetation and proposed landscaping would provide some screening along the side boundaries, the substantial length, height and mass of the building in close proximity to the road, would appear visually intrusive and out of character with the street scene.
8. The appeal scheme has been amended from a previously refused proposal, and that particular attention has been paid to material choice; and the incorporation of a sedum roof and living wall, to soften the appearance and add to biodiversity. However, the development would still appear stark in comparison with the important green and wooded nature the site makes to the street scene.
9. Furthermore, the proposed house does not meet the minimum gap standards advanced by BLP Policy 8 where higher standards of separation are required, and the site would occupy a notably smaller plot than those around it. It would therefore appear as a relatively cramped tandem development. It would be sited in a discordant position in front of the donor property, and would diminish the sense of openness that the undeveloped front garden currently offers the street scene.
10. The proposal would include the retention of a significant amount of the existing landscaping. This could be protected during construction. Furthermore, given the constrained dimensions of the plot, as the landscaping including trees and shrubs grow, occupants are likely to need to cut them back to secure light, to guard against damage to the building from debris and branches as well as to ensure sufficient amenity space. As such, I am concerned that compliance with a landscaping condition could not be secured in the long term.
11. In approving a dwelling at the neighbouring property No 68A Maberley Road, the Council gave weight to the fact that this was a replacement scheme. The approved building would occupy the same footprint as the existing dwelling. However, the circumstances here are different, being a new build and located closer to the roadside. Furthermore, this and other examples referred to, do not provide an overriding influence over the style of dwellings, and I have considered this proposal on its merits in the context of the site.
12. In relation to the main issue the proposal would have a harmful effect on the character and appearance of the surrounding area. It would make better use of the site, but would not compliment the surrounding area. In the context of the site this would not be a high standard of design and layout. Consequently, the proposal would therefore not comply with policy D3 of the London Plan adopted March 2021 (LP); and Policies 3, 4, 8 and 37 of the BLP 2019. The proposal would also be inconsistent with paragraph 126 of the Framework

which seeks amongst other things, the creation of high quality beautiful buildings and places.

Other Matters

13. I have had regard to the decisions including 2 appeal decisions for similar development as highlighted by the appellant. These developments may have some design similarities to the appeal proposal, but they are all a substantial distance from the site. On the basis of the information I have about these other cases the context would appear to be very different. The character of each site and how these relate to the street scene also varies. Each scheme needs to be considered on its own merits and circumstances.
14. The principle of the scheme is not in dispute. The proposal would also make a small but valuable contribution to the provision of housing required by the BLP. The Framework requires a significant boosting of the supply of homes and the LP emphasises the importance of small sites in meeting housing needs. However, none of these other matters outweigh or alter my conclusion on the main issue or that the development plan as a whole would not be complied with.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR