



Appeal Decision

Site visit made on 13 September 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/G5180/W/22/3294850

186 Anerley Road, Penge, London SE20 8BL

- 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 Pulak, on behalf of Lucas Pulak Construction, against the decision of the Council for the London Borough of Bromley.
 - The application Ref DC/21/03859/FULL1, dated 29 July 2021, was refused by notice dated 27 October 2021.
 - The development proposed is demolition of existing dwelling and construction of two new build three bedroom dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of 184 Anerley Road, with particular regard to privacy and outlook.

Reasons

Character and Appearance

3. The appeal site is a prominent corner plot located at the junction of Seymour Villas and Anerley Road. The surrounding area features a notable mix of dwelling types and sizes, including two, three and four storey detached and semi-detached dwellings, two storey terraced dwellings, flatted development and a bungalow to the rear of the appeal site. Roof forms vary considerably.
4. The relationships between dwellings and the street also differ in places. Opposite the appeal site, there is a dense arrangement of three and four storey properties sat close to the street on Anerley Road. However, on the side of the appeal site, there is a prevailing pattern of modest two storey dwellings or flats with generous front gardens, set back from the street. This layout continues along Seymour Villas, behind the appeal site. At the junction of the two roads, the openness of the corner plots each side provides a positive sense of spaciousness, despite the density and scale of the development opposite.
5. The proposal comprises the demolition of the existing dwelling and its replacement with a pair of semi-detached two storey dwellings, fronting Anerley Road. The development would fill the entire width of the site, adding

considerable additional mass abutting the pavement to the side. Viewed from Anerley Road, this would erode the open setting described above. In views from Seymour Villas, while it would be seen within the context of the existing larger dwellings behind, the proposal would have an enclosing effect on the street scene in the foreground and appear oppressive due to its proximity to the pavement.

6. It is acknowledged a considerable portion of the existing frontage of No 186 onto Anerley Road is blank, however it respects the building line along both Anerley Road and Seymour Villas at first floor. While the existing dwelling already features a side extension abutting the pavement, its single storey nature and flat roof design limit its impact, and largely maintain the overall open setting at the junction of the two roads.
7. The roof form of the proposed dwellings differs from that of the dwellings adjacent. However, both the appeal site and the flats on the opposite side of Seymour Villas currently feature dual pitched roofs with gables facing Anerley Road. Front facing gables are also not uncommon in the street scene, albeit typically occur as a projecting bay or contrasting roof feature. In this context and given the variety of roof forms in the area generally, this would not in isolation appear as an alien feature. It would however give the dwellings more imposing front and rear elevations and a somewhat vertical emphasis to these aspects. Given the proximity of the dwellings to the site boundaries and their semi-detached form, this would only serve to emphasise the constrained width of the site and add to the proposed development's cramped appearance.
8. The appellant highlights that historic maps indicate a row of terraced dwellings fronting Anerley Road previously occupied this plot, up to the pavement on Seymour Villas. However, this has little bearing on the prevailing character and appearance of the area in the present day and does not justify development that would result in harm to it.
9. Policy 8 of the Bromley Local Plan¹ (the Local Plan), adopted January 2019, stipulates new residential development of two or more stories will normally be required to provide a minimum 1 metre space from the side boundary of the site for the full height and length of the building. The Council considers space around residential buildings at first floor is important to prevent a cramped appearance. The wording of the policy indicates each case should be considered individually. However, I see no justification to deviate from the policy requirement in this case, particularly given the identified positive contribution to the open character and appearance of the area the space at first floor provides in this instance.
10. In respect of this main issue, I therefore find that the proposal would harm the character and appearance of the area, contrary to Policies 4, 8 and 37 of the Local Plan. These policies, amongst other things, seek to ensure housing developments respect local character, spatial standards, physical context and density, and positively contribute to the street scene. The proposal is also contrary to Policies D3, D6 and H2 of The Spatial Development Strategy for Greater London (the London Plan), adopted March 2021. Amongst other things, these policies require developments to be well-designed and enhance local context by delivering buildings and spaces that positively respond to local distinctiveness.

¹ Local Development Framework Local Plan London Borough of Bromley Planning Division January 2019

11. Section 11 of the National Planning Policy Framework 2021 (the Framework) indicates decisions should support opportunities to use the airspace above existing residential premises for new homes. However, in this instance the proposal is not consistent with the prevailing form of the neighbouring properties and the overall street scene and does not comply with local design policies. The proposal also conflicts with Section 12 of the Framework in respect of achieving well-designed places.

Living Conditions

12. The adjacent dwelling at 184 Anerley Road features a number of windows and patio doors within its rear elevation facing its rear garden area. There is only a single small window at first floor in the side elevation facing the appeal site. The main dwelling is separated from the appeal site by an attached garage and a side conservatory at ground floor, and a narrow footpath. At the time of my site visit, the conservatory appeared to be in use for storage.
13. The existing dwelling at the appeal site sits on the shared boundary at ground floor however is set back a modest distance at first floor. There are three openable bathroom and landing windows at first floor within the side elevation of the existing dwelling overlooking No 184. There are no windows at first floor in the rear elevation.
14. The proposed dwellings would project marginally beyond the rear elevation of No 184. There would therefore be negligible impact on the outlook from windows in this rear elevation. The proposed dwelling closest to No 184 would sit immediately adjacent to the shared boundary. However, this would bring the built development at first floor only slightly closer than the existing dwelling and so would have limited impact on the outlook from the side window or conservatory at No 184. While the proposed dwellings would sit close to the rear garden of this neighbour, given the comparable size and siting of the closest dwelling, its effect on the outlook from this garden would be little different to that of the existing dwelling.
15. In terms of privacy, the proposal would feature a blank elevation facing No 184, where currently there are three openable windows. It would therefore improve the level of privacy for No 184 in this respect. While the proposed dwellings would feature a number of windows and doors in their rear elevations, these would primarily overlook their own gardens and the existing bungalow to the rear, albeit at some distance. Views from these windows across the rear garden area of No 184 would be oblique, and such relationships between dwellings are common in an urban setting.
16. In respect of this main issue, I therefore find that the proposal would not harm the living conditions of the occupiers of 184 Anerley Road, with particular regard to privacy and outlook. It is therefore in accordance with Policies 4, 8 and 37 of the Local Plan, and Policies D3, D6 and H2 of the London Plan, in respect of their aims to ensure development is of a high standard of design and layout, respects the amenity and privacy of neighbouring occupiers and delivers appropriate outlook.

Other Matters

17. The Council acknowledge they can only demonstrate a housing land supply of around 4 years which is a significant shortfall. Paragraph 11(d) of the National

Planning Policy Framework (the Framework) is therefore applicable. Paragraph 11(d) indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

18. The Framework seeks to significantly boost housing supply. It emphasises that small sites can make important contributions to housing requirements and encourages the optimal use of underutilised land. The proposal would provide a temporary boost in employment during construction and use previously developed land in an existing urban area with access to transport and services. The parties agree the proposal would contribute one net additional dwelling to housing delivery in the borough. Additional residents may also contribute to the local economy and vitality of the community. These benefits would be very modest however given the development's context and small scale.
19. The Framework also highlights that good design is a key aspect of sustainable development. It seeks to ensure development is sympathetic to local character and the surrounding built environment. As above, the proposal would have adverse impacts in the form of harm to the character and appearance of the area.
20. It is my view that the adverse impacts identified above would significantly and demonstrably outweigh the modest benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development, and this therefore does not outweigh the identified harm and development plan conflict.
21. I acknowledge that demolition and replacement of the existing dwelling in this location is acceptable in principle and the proposal may be compliant with various other provisions of the development plan. Notably, it is understood the appeal site is within a 'Renewal Area' designated by Policy 13 of the Local Plan, and the Council has not identified conflict with this policy in their reason for refusal. I have also found no harm in relation to any matters other than the character and appearance of the area. However, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.
22. While the appellant has sought to overcome the previous reason for refusal and take account of pre-application advice from the Council in designing the appeal proposal, these matters do not indicate that the appeal proposal before me is acceptable with respect to the main issues.

Conclusion

23. The other matters raised do not outweigh my conclusions on the main issues or the identified conflict with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR