



Appeal Decision

Site visit made on 25 July 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2023

Appeal Ref: APP/G5180/W/23/3314039

Newlands News & Off Licence, 44G Newlands Park, LONDON, SE26 5NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Kandasamy Selvamurugan against the London Borough of Bromley.
- The application Ref 22/02790/FULL1, is dated 12 July 2022.
- The development proposed is part one/two storey rear extension and rear roof extensions, together with internal alterations to provide two additional residential units.

Decision

1. The appeal is dismissed.

Main Issues

2. Although the appeal is against non-determination the Council have set out its objections to the proposed development. From these the main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect on living conditions, both those of the occupiers of neighbouring properties, and the occupiers of the new flats proposed; and
 - The effect on off-street parking provision locally and highway safety

Reasons

Background

3. The appeal site comprises part of the ground floor and the upper floor of an existing building which lies on the corner of Newlands Park and the short cul-de-sac of Studland Road. The building has a convenience store at ground level on the frontage with a side door and stairs to residential accommodation at first floor level. Other properties in the frontage are mainly residential and at the northern side of Studland Road lies more traditional housing while there is a large police station on the southern side of this road.
4. It is proposed to add a second floor to the host building in the form of a large flat roof dormer with materials to match the existing roof and construct a two storey extension to the side to form an internal staircase to the first floor.
5. I note that an appeal APP/G5180/A/12/2189668 for the creation of a self-contained studio flat and external access was dismissed in 2013.

Effect on character and appearance

6. Viewed directly from the front in Newlands Park the proposed dormer extension would largely be hidden by the existing roof ridge save for the introduction of rooflights in the roof slope. However, because of the corner position of the site the spread of building bulk would be much more prominent viewed around the corner with Studland Road. At the moment there is an interesting architectural feature on the upper floor of the building with the hexagonal element on the corner flanked by the high gable ends. Although the existing first floor elevation to Studland Road is flat roofed its scale and bulk are visually subordinate to the main architectural form.
7. The proposal, however, would add a flat roof 'box' above this. It would be prominent to view on the corner and its scale and form, even with matching external materials, would be an imposing visual bulk which would dominate and detract from the architectural quality of the building that exists. I find that the proposal does not meet the requirements of Local Plan Policy 37 as it would not positively contribute to the local street scene and would significantly harm its character and appearance.

Living conditions

8. In terms of the living conditions for the proposed occupiers, the Council's representations set out the details of the accommodation in relation to the Nationally Described Housing Standards. Both units 2 and 3 would be significantly below the prescribed standard for the relevant type of accommodation. No evidence has been submitted by the appellant in mitigation over this deficiency. The Council also refers to the inadequacy of the size of window to the living room to unit 2. This is side facing and in order to limit overlooking a narrow slit window is proposed but this is inadequate as the sole means of daylight for this living space.
9. In relation to the effect on the living conditions of neighbours, the main concern here is about overlooking and a loss of privacy. The proposed unit 3 at second floor level would have a side facing twin window serving a living room/kitchen. As far as I could make out from ground level this would look out towards the curtilage and rear garden of the neighbouring property at 44F. Because of the height and orientation of the window this would be likely to cause some overlooking and loss of privacy to the occupiers of the neighbouring property
10. Overall on this issue I find that the proposal would conflict with part (e) of Local Plan Policy 37.

Parking and highway safety

11. The appeal site lies in an area with a PTAL rating of 3. When applied to the parking standards set out in LP Policy 30 it appears that two parking spaces should be provided on site for the net increase of 2 residential units. The Highway Engineer comments that an amended plan was submitted in May 2023 showing the creation of a parking space within the site but this has not been submitted with the appeal documents. It is not clear if this parking space was in relation to the existing flat on site rather than the proposed two additional units but even if for a new flat there remains a parking deficiency of at least one space.

12. The Council asks for a parking stress survey to be undertaken locally to assess local parking availability but this has not been submitted. Moreover, it appeared to me at the site visit that Studland Road already suffers from a high degree of parking congestion. This road is narrow with little room between parked cars on either side of the road or turning facilities at the end of the cul-de-sac. Even during the relatively short time of my visit I noted two vehicles, whose drivers had tried to park in this side road, having to reverse along its length and reverse out into Newlands Park. Such manoeuvres are not in the general interests of highway or pedestrian safety. Therefore, any deficiency in off-street parking resulting from the proposal and increase in on-street needs is likely to make this problem worse. I find that the proposal would conflict with Policy 32 on road safety.

Planning balance

13. On the main issues I have found that the proposal to add a large flat roof dormer extension to the existing building would harm the architectural form of the host property and its setting in the street scene. The two additional flats proposed would also be deficient in size for the nature of the accommodation proposed and the occupiers would have inadequate natural light. There would also be overlooking of neighbours from new side facing windows and a consequent loss of privacy. The proposal would therefore have an adverse effect on living conditions. Finally, there is likely to be a parking deficiency which cannot be accommodated on-site and this is likely to result in highway safety problems in an already congested cul-de-sac.
14. These aspects conflict with the relevant policies in the development plan as mentioned above and constitute significant adverse effects.
15. They have to be balanced with the benefits of development and I acknowledge that the proposal would make a small contribution to new housing supply in an area already highly developed. I also sympathise with the appellant's frustration in obtaining a formal decision from the Council and the effect on his financial affairs.
16. However, these factors do not outweigh the clear policy conflict and identified harm and so the appeal should not be allowed.

Conclusions

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

David Murray

INSPECTOR