



Appeal Decision

Site visit made on 31 October 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2023

Appeal Ref: APP/G5180/W/23/3321567

107 Croydon Road, Penge, London SE20 7TT

- 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 Ms Jocelyn Maxime against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/03564/FULL1, dated 8 September 2022, was refused by notice dated 26 January 2023.
 - The development proposed is a ground and first floor rear extension to detached house, including relocation of garage and the construction of new detached house in the garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that they do not wish to contest the third reason for refusal in relation to the proposal's effect upon trees in neighbouring gardens. It does not therefore form one of the main issues in the appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area.
 - the living conditions of the occupiers of 107 and 109 Croydon Road, 2 Elmers End Road and Sherborne Court, with particular regard to outlook and noise.

Reasons

Character and appearance

4. The area is largely residential in character, with a variety of ages and styles of houses and flatted development along the busy thoroughfare of Croydon Road. The appeal site comprises a two-storey house and its rear garden. It is set at the end of a row of 3 similar style detached houses, all with substantial plots to the front and rear. The rear garden of the appeal site runs adjacent to a 6/7 storey block of flats, Sherborne Court, set on the corner of Croydon Road and Elmers End Road. The appeal site also shares a boundary with 109 Croydon Road adjacent and 2 Elmers End Road to the south, both of which are houses with large rear gardens. With the exception of the block of flats, there is a consistent pattern of development along this part of Croydon Road, with

houses and deep rear gardens which provide a verdant backdrop to the built development.

5. The proposal involves the demolition of the existing side garage to facilitate access to the proposed house located towards the southern end of the rear garden, aligned with the southern wing of Sherborne Court. Off street parking would be provided for the use of both the new house and existing house. The existing house would be extended to the rear at ground and first floor. Each house would have its own garden.
6. I note that the Council have not raised any issues with respect to the effect of the proposed extensions to the existing house on the character and appearance of the area or the effect upon the living conditions of nearby residents. I have no reason to reach a different conclusion in this respect.
7. Whilst I acknowledge that the proposal would not be highly visible from public vantage points, views into the site from Croydon Road would be possible through the access road; there would also be some views into the appeal site from Elmers End Road to the south of Sherborne Court. The character of the area is informed by the pattern of development which is not necessarily visible from the street and the proposal would also be visible from rear gardens and from surrounding houses and flats.
8. I understand the intention to create a continuation of built form and hardstanding for parking in alignment with Sherborne Court, referencing its presence adjacent to the site. Whilst Sherborne Court is a landmark owing to its size, bulk and distinctive design, and contributes to the character and appearance of the area in its own right, it has little relationship with the more domestic scale of the houses along Croydon Road. As the appeal site forms part of a group of 2 and 3 storey houses running west along Croydon Road, set back from the road with large front and rear gardens, I do not consider that the continuation of built form in line with Sherborne Court would reflect or respect the pattern of development along this part of Croydon Road.
9. The footprint of the proposed house would occupy nearly the full width of the garden. In conjunction with the large area of hardstanding to accommodate the parking area and access, the overall effect would urbanise the site as a whole. The form of development proposed would harm the existing open, green character and appearance to the rear of the dwellings by eroding the contribution that the gardens make to the established character and appearance of the area.
10. My attention has been drawn to an aerial image where some buildings within rear gardens in the area have been identified. The image is of insufficient scale and detail for an accurate assessment to be made of the type of built development identified, whether that is garden sheds, other outbuildings, or independent dwellings. I find therefore that there is no substantive evidence of significant garden land development in the area sufficient for it to be a defining feature of the area's character and appearance.
11. In terms of the detailed design and use of materials, given the wide variety of styles and building forms in the area, the simple contemporary form of the single storey with pitched roof would be appropriate and in line with the approach of Policy 37 of the Bromley Local Plan 2019 (BLP) which, amongst

other things, requires good architectural quality in new development. This matter holds neutral weight in my determination of the appeal.

12. Notwithstanding my view on the architectural detail, for the reasons set out above, the proposal would be a cramped form of development in relation to the size of the plot and uncharacteristic of the pattern of development in the area. Consequently, it would be harmful to the character and appearance of the area, running contrary to Policies 3, 4 and 37 of the BLP. These policies, amongst other things, collectively require high quality design. The proposal would be contrary to the aims of Policy D3 of the London Plan 2021 (LP) which relates to optimising site capacity through a design led approach.
13. I acknowledge that LP Policy D3 is not referenced in the reason for refusal. However, it is relied upon by the Council in its Statement of Case and is a relevant policy to character and appearance. The appellant had the opportunity to comment on the policy at the final comment state and was not, therefore, unfairly prejudiced by consideration of this policy.
14. The Council also refer to LP Policy D4 in their evidence, but I do not consider this policy determinative as it does not directly address the issues in dispute as it relates primarily to means of design scrutiny, analysis and maintaining design quality.

Living conditions

15. For the avoidance of doubt, I have considered the proposal in relation to its effect on the living conditions of 107 and 109 Croydon Road, along with the rear of Sherborne Court and 2 Elmers End Road to the rear of the appeal site, because these are the properties that could be materially affected by the proposal.
16. The site would be subject to significant excavation, which would enable the proposed house to sit at a low level relative to the surrounding gardens and Sherborne Court. As such, it is the pitched roof which would be most visible from adjacent dwellings. Given the pitched roof form, and its position in the plot at an angle sloping away from surrounding windows, I do not consider that the proposed house would cause a degree of overbearing to neighbouring residential windows or gardens sufficient to result in an unacceptably harmful loss of outlook.
17. In relation to the host property at 107 Croydon Road, the roof level of the proposed house would be in line with the ground floor level of the existing house. Given this relationship, and the distance between the buildings, I do not find that there would be a harmful loss of outlook, either with or without the proposed extensions in place.
18. Whilst there would be some increased activity and vehicular comings and goings in connection with the proposed house once occupied, this would be limited because only one small dwelling is proposed. I therefore do not find that there is any substantive evidence that there would be likely to be material harm in relation to noise and disturbance to adjacent residents.
19. In terms of the effect of the proposal on the living conditions of the occupiers of 107 Croydon Road, 109 Croydon Road, 2 Elmers End Road and Sherborne Court therefore, I find that the proposals do not conflict with Policy 37 (e) of the BLP, which seeks to ensure that new development respects the amenity of

neighbouring occupiers with regard to, amongst other things, noise and disturbance and overshadowing.

Other Matters

20. In terms of the effect of the proposal on trees in adjacent gardens, had the appeal succeeded, I consider this matter could have been dealt with by way of an appropriate condition requiring an arboricultural assessment and method statement.

Planning balance

21. As set out above, I have found that the proposed development conflicts with the development plan as a whole, specifically LP Policy D3 and BLP Policies 3, 4 and 37. I attach great weight to this conflict with the development plan.
22. The Council acknowledges that they cannot demonstrate a 5 year Housing Land Supply and state that the reported housing land supply is equivalent to 3.99 years. Therefore, paragraph 11d)ii of the National Planning Policy Framework (the Framework) is applicable. It requires permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework taken as a whole.
23. Whilst paragraph 60 of the Framework refers to boosting significantly the supply of housing, the provision of a single dwelling would not make a meaningful difference. The proposal aligns with some of the core principles of the Framework in that it is located in an urban area where there is good access to facilities and employment. The proposals would provide a small benefit in boosting the supply of housing on a site in a sustainable location. Socio-economic benefits would also stem from employment associated with the construction phase and future occupants would bring some trade to nearby shops and services.
24. The Framework, however, also sets out that good design is a key aspect of sustainable development. When assessed against the policies in the Framework taken as a whole, the adverse impacts to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposal. The proposal would not therefore be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

25. For the reasons set out above, the appeal is dismissed.

L Francis

INSPECTOR