
Appeal Decision

Site visit made on 29 June 2016

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 July 2016

Appeal Ref: APP/G1580/W/16/3148521

Land at 2 Riverpark Gardens, Bromley BR2 0BQ

- 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 Karl Phillips (Phoenix Community Housing) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/01031/FULL1, dated 10 March 2015, was refused by notice dated 23 December 2015.
 - The development proposed is the demolition of a derelict shop with disused flat above and 3 no unused garages to create 8 new apartments, associated hard and soft landscaping and the relocation of an electricity sub-station.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a derelict shop with disused flat above and 3 no unused garages to create 8 new apartments, associated hard and soft landscaping and the relocation of an electricity sub-station at 2 Riverpark Gardens, Bromley BR2 0BQ in accordance with the terms of the application, Ref DC/15/01031/FULL1, dated 10 March 2015, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

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

Reasons

3. The appeal site comprises an irregular shaped area of land at the entrance to Riverpark Gardens which is a small housing estate managed by the appellant company. There is a two storey building at the southern end which is currently vacant and has a somewhat dilapidated appearance, together with some lock up garages, a sub-station and some small storage buildings. A footpath adjoins the southern boundary, which is part of the South London Green Chain waymarked walk and leads to playing fields at the rear. The character of the estate is terraced housing of similar design but varying in height from 2 – 4 storeys.
4. The proposals raised a number of issues at the application stage, but the Council is only concerned with a single issue, namely, the bulk and design of the development. In that respect the Council considers it is out of character with

the area, too dominating, too close to the footpath and would reduce the spaces between buildings.

5. Dealing first with the design concept, the proposal would certainly be different from the prevailing design and character of the estate. However, it seems to me that there is no particular townscape reason why the proposal should be similar in style to the existing, provided the design itself is of good quality and is appropriate to the area. In that respect a contemporary design approach would be adopted, which whilst being different to its neighbours, would complement them through the use of materials used in the vicinity with regard to brick type and timber boarding. In scale and alignment terms, the building would relate closely to the 4 storey existing building adjoining to the north, but overall it would appear as a 3 storey building with roof additions. The latter would be striking in appearance and form but importantly would also break up the massing of the building. In my view therefore, the overall appearance would not be over dominant, particularly in relation to the 2 storey terrace opposite. Additionally, the proposed articulation and set back on the south west corner, would help to provide an acceptable transition in scale to the 2 storey housing in Ravensmead Road to the south. The intervening footpath would also help in that respect.
6. I note that the Council has concerns that there are not individual entrances to the flats, but I see no compelling townscape reason or policy requirement for such design features given the composite nature of the design of the proposed building. I also note concerns raised in respect of the lack of a 1 metre gap to the northern boundary which Policy H9 of the Council's Unitary Development Plan 2006 (UDP) would normally require. However, I agree with the appellant that given the adjacent 4 storey terraced building and the comparative height of the new building together with the design approach adopted, such a requirement would fulfil no useful design objective in this instance.
7. With regard to impact upon the public footpath, the existing building is already on approximately the same alignment as the proposed southern flank wall of the new development, albeit that the height and depth of the new building would be greater. However, given that the building would not extend the full depth of the site along that boundary, the fact that the length of footpath between the road and playing fields is relatively short, and that there would be opportunities for further planting between the footpath and building in addition to the existing trees, I consider that the overall relationship would be acceptable.
8. Although there would be a greater area of built form than is currently the case, the majority of the site area is currently hard surfaced in the form of a road access and parking area and does not contribute to the quality of open space found elsewhere on the estate. The area of green open space directly opposite would be retained, apart from the addition of the relocated sub-station, and there would be additional landscaping at the front, between the parking spaces, which would soften the expanse of hard surfacing which exists at present. Given the current poor visual appearance of the site, I consider that in overall terms, the proposed development would make a positive visual contribution at the entrance to the estate and with a high quality and bold design approach.

9. For the above reasons, the character and appearance of the area would not be harmed. The proposed development would therefore comply with Policies BE1 and H7 of the Council's UDP in that it would provide a high standard of design and layout and would meet the detailed design criteria set out within those policies.

Other Matters

10. I have noted the Council's comments and appraisal of other technical matters associated with the proposal, including such issues as flooding, standard of accommodation being provided and sustainability measures and see no reason to take a different view. Similarly I have carefully noted and considered all the various detailed site concerns raised by local residents, which in addition to the above, include such matters as parking, tree protection, the relocation of the sub-station, loss of amenity, nuisance during construction, loss of the shop and control of waste. However I have noted both the Council's and appellants responses to those issues and either agree with the comments made by each party or consider that some of the detailed issues could be satisfactorily resolved through the imposition of conditions requiring further details. Accordingly they have not affected my overall findings on the proposed development as set out above.
11. In other respects, the development would provide a mix of house types on a brownfield site and at a density comparable with the adjacent block of flats to the north. As such it would make a useful contribution to the supply of housing within the Borough. I also note that it would be built to high sustainable and energy efficient construction methods. Such issues are consistent with other policies and objectives within the Council's UDP and also the London Plan and add further weight to the overall acceptability of the proposal in addition to the design issues raised.
12. Conditions relating to such matters as materials, hard and soft landscaping, vehicular and cycle parking, protection of trees, refuse provision, a construction management plan, nitrogen emission rates, measures to minimise crime, infiltration of surface water, the development being carried out in accordance with the approved plans and in accordance with the flood risk assessment, are all necessary in the interests of good planning. I agree with the appellant that suggested references by the Council to permitted development rights are unnecessary given that the development is for flats which do not benefit from such rights. Although there is no direct evidence of contamination, I note that the contamination risk assessment report recommended further sampling to confirm the absence of significant contamination. Appropriate safeguarding conditions are therefore necessary. Although the objectives for provision of electric charging points are laudable, I do not consider such provision is necessary in this instance given the small number of parking spaces proposed. Finally, I have adjusted some of the conditions proposed by the Council in the interests of clarity and brevity.
13. Accordingly, subject to the conditions set out in the schedule below, the appeal should be allowed and planning permission granted.

Kim Bennett INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001; P002; P003; P004; P005; P006; P007; P008; P009; P010P1; P012P1; P013P1; P014P1; P015P1; P016P1; P020P1; P021P1; P022P1; P023; P030P1; P031P1; P040P1; P041P1; and P050.
- 3) No development shall take place above ground level until samples of materials to be used in the construction of the external surfaces of the building (including balcony treatments) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.
- 4) No development shall take place above ground level until full details of hard and soft landscape works, paved areas and cycle storage facilities have been submitted to and approved in writing by the local planning authority. The cycle storage facilities shall be provided before first occupation and shall thereafter be retained as approved. Soft landscaping works shall be implemented in the first planting season following first occupation of the flats or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 5) Before any part of the development hereby permitted is first occupied, details of all boundary enclosures (which shall be permeable to allow the site to receive flood flows) shall be erected in accordance with details to be submitted to and approved in writing by the local planning authority and shall thereafter be retained in that form.
- 6) If any trees are felled in order to implement the development hereby permitted, trees of a size and species to be agreed in writing by the local planning authority shall be planted in such positions as shall be agreed by the authority in the first planting season following completion of the development. Any trees which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 7) No demolition, site clearance or building works shall be undertaken and no equipment, plant machinery or materials shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees, has been submitted to and approved in writing by the local planning authority. The statement shall include such details as: protective fencing, method of site clearance and demolition; extent and method of construction of foundations; location of site facilities and storage areas for materials or equipment; location of any bonfire sites; location of any proposed underground services within tree

protection zones; and details of removal of hard surfacing and any new surfacing within tree protection zones; The development shall be carried out in accordance with the approved details.

- 8) Before any part of the development is first occupied, the parking spaces shown on the approved plans shall be laid out and thereafter be kept available for parking use.
- 9) Before any part of the development is first occupied, the refuse storage areas shown on the approved plans shall be provided and thereafter be kept available for such use as approved.
- 10) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, together with an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall seek to implement a SUDS hierarchy that achieves reductions in surface water run off rates to Greenfield rates in line with the Preferred Standard of the London Plan and shall also demonstrate that there is no risk of pollution to controlled waters.
- 11) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The said Plan shall include details to: prevent mud or other debris from construction vehicles from being deposited on the public highway; provision of parking, off-loading and turning for site operatives and construction vehicles; measures to demonstrate how construction traffic can access the site safely and minimise traffic conflicts; routes for construction traffic; and hours of site operation including delivery times. The development shall be carried out in accordance with the approved details.
- 12) Before any part of the development is first occupied, details shall be submitted to and approved in writing by the local planning authority, demonstrating that any boilers installed in the development must meet a dry Nox emission rate of <40mg/kWh. The development shall be carried out in accordance with the approved details.
- 13) No development shall take place above ground level until details of measures to minimise the risk of crime and meet the specific needs of the approved development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for a remediation strategy detailing how the contamination will be dealt with. The remediation strategy shall be implemented as approved and verified in writing to the local planning authority upon its completion.
- 15) Any piling or any other foundation design using penetrative methods shall demonstrate that there is no risk of pollution to groundwater in accordance with details to be submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

- 16) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Herrington Consulting Limited dated August 2014, including all the mitigation measures set out in that report.