

Appeal Decision

Site visit made on 19 July 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 4th August 2016

Appeal Ref: APP/G5180/W/16/3150583

247 Beaconsfield Road, London SE9 4EE

- 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 Iok Keng Weng against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/05455/FULL1, dated 14 December 2015, was refused by notice dated 17 March 2016.
 - The development proposed is described as the demolition of existing single storey rear extension. Part 1 and part 2 storey side extension plus internal alterations and conversion of loft space including rear dormer to create 2 No. flats.
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Decision

1. The appeal is allowed and planning permission is granted for a part one /two storey side extension and roof extensions including gable end and rear dormer, and conversion into 1 two bedroom and 1 one bedroom flats at 247 Beaconsfield Road, London SE9 4EE in accordance with the terms of the application, Ref DC/15/05455/FULL1, dated 14 December 2015, subject to the attached schedule of conditions.

Procedural Matters

2. The Council changed the description of application Ref: DC/15/05455/FULL1 from that provided on the planning application form to 'a part one /two storey side extension and roof extensions including gable end and rear dormer, and conversion into 1 two bedroom and 1 one bedroom flats'. This is a more accurate description of the proposed development which I have used in this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - The effect of the living conditions of the future occupants of the first/second floor flat with particular regard to private amenity space.
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Reasons

Character and appearance

4. The appeal property is a two storey end terrace dwelling occupying a triangular shaped corner plot located at the junction of Beaconsfield Road with Framlingham Crescent. The area is predominantly characterised by blocks of six terraced hipped roof properties that are set well back from the road with grassed areas to the front. Corner plots also have grassed areas to the side and overall the area has a spacious feel.
5. The proposed development would involve the construction of a part one/two storey side extension which would be positioned a minimum of 1m from the side boundary of the site and have a gable end with a slight hip. A rear dormer would extend across the existing roof and proposed roof of the side extension. The extended property would then be converted into a one bedroom flat on the ground floor and a two bedroom flat on the first and second floors.
6. The appellant has drawn my attention to several examples of recently permitted two storey side extensions in the vicinity of the appeal site which I observed at my site visit. These display variety in design style and in some cases have resulted in the replacement of the hipped roof with a partial hip or gable roof. These extensions are there and as such set the visual context for the consideration of the appeal proposal.
7. The proposed extension would be constructed along the front and rear building line of the existing property and have fenestration that would be in keeping with the existing property. The proposed partial hipped roof would be reflective of the roof design of the extension recently constructed at No 233. Although an additional front door would be formed this does not cause the proposed front elevation to be either overly 'cluttered' or unbalanced.
8. Owing to the existing scale and mass of the terraced block that contains the appeal property, I consider that the proposed extension can be accommodated as an addition to the block without appearing as being over bulky. In my view, the proposed extension and the subdivision of the property would not result in its appearance being that of a conspicuously smaller property. As such, the appearance of the proposed extension would be acceptable in the context of the street scene.
9. Although the extension would occupy a substantial part of the side garden, I consider that the remaining plot size would be adequately proportioned for the development proposed. The remaining plot size would be similar to that in other corner plot properties on the street that have had side extensions and consequently, I do not consider that the proposed development would be an over-intensive use of the site. Moreover, given the existing substantial grassed area to the front and side of the site, and the fact that the side (western elevation) does not extend beyond the rear elevation of No 163 Framlingham Crescent, leads me to conclude that the spacious character of the area would not be materially harmed by the proposed extension.
10. To some extent the proposed development, in terms of its position to the side boundary, would be reflective of the extension undertaken at No 245 and therefore provide more visual balance to the entrance to Framlingham

Crescent. Although the development proposes a rear dormer, this would not be readily visible in the context of views from the street.

11. Taking the above factors into account I do not consider that the proposed development would result in an over-intensive or cramped form of development. Consequently, there would be no demonstrable harm to the character and appearance of the area and therefore no conflict with Policies BE1 and H9 of the London Borough of Bromley Unitary Development Plan (2006) or Policy 3.5 of the London Plan. These policies, amongst other things, require high standards of design that complement the scale and mass of the original building, require two storey extensions to be a minimum of 1m from the site boundaries, and requires that development does not detract from the character of the street scene.

Living conditions

12. The Council suggests that the private amenity space that is proposed to be provided for the two bedroom flat would be 14.9 sq m and as such this would be very limited for a residential unit that could accommodate a family. The appellant indicates that this flat would have 28 sq m including the front garden. However, it seems to me that the front garden area, which is quite visible from the road, would not provide functional private amenity space.
13. I have no evidence to indicate that the Council has adopted any planning guidance that provides minimum areas for private amenity space. In this case, the 14.9 sq m of private amenity space for the two bedroom flat is modest. However, the location of the appeal site provides for large grassed areas in front and at the side. In addition the site is within reasonable walking of Elmstead Wood and a sports ground.
14. Taking these factors into account, I do not consider that the relatively modest area of private amenity space located within the appeal site would cause any demonstrable harm to the living conditions of the future occupants of the two bedroom flat. Consequently, there would be no conflict with Policy H7 of the UDP which seeks, amongst other things, to ensure that new development provides adequate private or communal amenity space to serve the needs of the future occupants.

Other matters

15. The Council has drawn my attention to an appeal decision for development at No 163 Framlingham Crescent (Ref: APP/G5180/A/13/2203845). However, I do not have full details of the nature of the proposals or the circumstances relating to this appeal. Consequently, I cannot be sure that it is representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.

Conditions

16. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the government's Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated some for the reasons set out below.

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of proper planning. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used.
18. I also attach conditions requiring the submission and implementation of a hard and soft landscaping scheme in order to safeguard the surrounding landscape character of the area and provide for landscaping treatment of the proposed private amenity areas. These conditions replace the landscaping condition suggested by the Council as I have no evidence that the landscaping details as indicated in that suggested condition have been submitted.
19. Given the proximity of the grassed areas to the side and front of the appeal site, I agree that boundary enclosure should be provided prior to the occupation of the flats. However, I have no evidence to indicate why such enclosures should need to be soundproof given the residential location of the site. A requirement for soundproof fencing would be both unnecessary and unreasonable and consequently I have deleted that part of the Council's suggested condition.
20. In the interests of the character and appearance of the area I agree that a condition is necessary to provide for refuse and recycling storage areas. In order to encourage the use of sustainable modes of transport I agree that a condition is necessary to provide for bicycle storage facilities.
21. As the proposed development would occupy the position of the existing vehicular parking area there would be no future provision for car parking within the site. Moreover, the details required to be submitted by condition No 6 would provide for the provision of boundary treatment in the position of the existing unfenced access to the parking area. Consequently, I consider that the Council's suggested conditions relating to the stopping up of the existing access are unnecessary. Finally in order to ensure the satisfactory drainage of the development I agree that a condition is necessary for the provision of a surface water drainage system.

Conclusion

22. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be allowed.

Stephen Normington

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: 2015-549/P101; 2015-549/P102; 2015-549/P103; 2015-549/P104; 2015-549/P105; 2015-549/P106.
- 3) The materials to be used for the external surfaces of the development hereby permitted shall match those used in the construction of the existing building.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing materials and soft landscape works and shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme for all works.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the 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, unless the local planning authority gives written approval to any variation.
- 6) Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site as shall be approved and shall be permanently retained thereafter.
- 7) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and shall be permanently retained thereafter.
- 8) Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.
- 9) Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and shall be permanently retained thereafter.