

Appeal Decision

Site visit made on 25 October 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/G5180/W/16/3153930

115 New Street Hill, Bromley, London Borough of Bromley BR1 5BA

- 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 Andrew Lewis against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00502/FULL1, dated 2 February 2016, was refused by notice dated 24 March 2016.
 - The development proposed is described as "a change of use from a gym to a self contained flat (Granny Annex)".
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a gym to a self contained flat (Granny Annex) at 115 New Street Hill, Bromley, London Borough of Bromley BR1 5BA in accordance with the terms of the application, Ref DC/16/00502/FULL1, dated 2 February 2016, subject to the following conditions: -
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The outbuilding shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No 115 New Street Hill, Bromley, BR1 5BA.

Preliminary Matters

2. The Council indicates that the outbuilding, the subject of this appeal, is of relatively recent construction and has no planning history or planning permission. The Council has not indicated that the building as it stands is unlawful and the Council determined the change of use application. To clarify, I have determined the appeal on the basis of a change of use of an existing building.

Main Issues

3. The main issues raised in respect of the appeal: -
 - (a) The effect of the development on the character of the area; and,
 - (b) Whether the proposed dwelling would provide satisfactory accommodation.
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Reasons

Character of the area

4. The outbuilding is already in place at the end of the garden. Outlook from the outbuilding is toward the garden and the rear of the host dwelling. The submitted drawings show the converted unit would have an open plan living space, a separate bedroom and bathroom and would be of a self contained nature. Although the building is detached from the main house, the appellant has applied to use the outbuilding for a granny annex. For the avoidance of doubt, I confirm that I have considered the proposal as such.
5. The Council is concerned that the building could be used as an independent dwelling once occupation by the appellant's mother in law is no longer required. This could be controlled by imposing a condition restricting the occupation of the outbuilding to be utilised ancillary to the main dwelling. Indeed this has been put forward by the appellant and the Council has suggested such a condition in the event the appeal is allowed. Such a condition would prevent the creation of a separate planning unit.
6. The granny annex, although large, is significantly smaller than that of the main house. The Council is concerned that a residential use behind road frontage development would be out of keeping with the character of the area and that the building could be independently accessible on foot by means of a narrow access to the side of the main dwelling. However, as the use of this building would be shared with that of the main house, these matters are not relevant, given the nature of the proposal.
7. Overall, I conclude that, subject to a condition being imposed that would retain the use of the outbuilding as an ancillary use to that of the host dwelling, the proposed development would not harm the character of the area. The proposal complies with Policies BE1 and H8 of the London Borough of Bromley Unitary Development Plan (UDP) and Policy 3.5 of the London Plan which seek new development to be compatible with the development in the surrounding area, amongst other matters.

The standard of living conditions of future occupiers

8. Policy 3.5 of the London Plan relates to space standard. However this standard only applies to new dwellings. As the accommodation would be shared with the main house such standards are not relevant to this proposal.
9. Overall on this issue, I consider that the proposed accords with Policy H8 of the UDP which seeks alterations or enlargement of residential properties to be of satisfactory scale and form, amongst other matters. I also consider the proposal accords with Policy BE1 of the UDP and Policy 3.5 of the London Plan although these policies relate to the design, layout and space standards of new development.

Other Matters

10. The outbuilding is situated at the end of a generous sized plot and is a substantial distance from neighbouring dwellings. The neighbouring gardens would be marginally overlooked but the fence along the side boundary would reduce the potential for overlooking. The building is already in situ and there would be no change to its appearance. The removal of trees at the appeal site

has already taken place. I have no reason to conclude that flooding at the appeal site or in the area would take place.

Conditions

11. I have had regard to the planning conditions suggested by the Council in light of paragraph 206 of the Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition it is necessary, for the reasons discussed above, to impose a condition requiring the use of the outbuilding to be occupied ancillary to the main dwelling.
12. As the outbuilding would remain part of the existing dwelling unit conditions relating to the storage of refuse and recyclable materials/waste and a scheme for lighting the access to the dwelling are not necessary. The proposal is some distance from the public highway and therefore a scheme for surface water drainage to prevent drainage onto the highway would be unacceptably onerous particularly given that the building currently exists.

Conclusions

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR