
Appeal Decision

Site visit made on 14 February 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 28th March 2017

Appeal Ref: APP/G5180/W/16/3162755

Old School Studio, Main Road, St Pauls Cray, Orpington BR5 3HQ

- 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 Client Management Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03241/FULL1, dated 6 July 2016, was refused by notice dated 11 October 2016.
 - The development proposed is conversion of school studio to form three residential apartments comprising 1 x 3 bed, 1 x 2 bed and 1 x studio. Demolition and re-build of existing boundary shower block; raising of the ridge and introduction of new clerestory box dormer plus alterations to elevations and introduction of front ramp access.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of school studio to form three residential apartments comprising 1 x 3 bed, 1 x 2 bed and 1 x studio. Demolition and re-build of existing boundary shower block; raising of the ridge and introduction of new clerestory box dormer plus alterations to elevations and introduction of front ramp access at Old School Studio, Main Road, St Pauls Cray, Orpington BR5 3HQ in accordance with the terms of the application, Ref DC/16/03241/FULL1, dated 6 July 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for the future occupiers of the proposed dwellings with particular reference to outlook.

Background and Policy Considerations

3. The appeal proposal seeks to convert a locally listed disused school building, known as Old School Studio, into three apartments. This forms part of an original cluster of buildings including the School House and School Hall which are both presently in residential occupation. I also understand that the Old School Studio has previously been in residential use as a single unit, though it appears to have been vacant for some time. This cluster of buildings are within the St Pauls Cray Conservation Area and lie adjacent to the Grade II* Listed St Paulinus Church to the south and River Cottages to the north. The local list description notes that the appeal buildings and its neighbours form *an excellent little group which sit comfortably between the Church and River(side) Cottages*.
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4. The present proposal follows an earlier application which was dismissed at appeal due to concerns about insufficient head height at first floor level.¹ The present application includes internal modifications to overcome these concerns.
5. The reason for refusal refers to the London Borough of Bromley Unitary Development Plan 2006 (the UDP) Policies BE1 and H7, which state the importance of high quality design that respects the amenity of current and future occupiers of land and buildings. Detailed SPG guidance² relating to the quality and design of housing developments in terms of matters such as privacy and dual aspect development is also referred to.
6. In this case my view is that the constraints associated with the re-use of the Old School Studio whilst retaining its general appearance may mean that usual residential standards should be modified and compromises made. It is relevant to note that the National Planning Policy Framework (the Framework) states that in such circumstances consideration should be given to *whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*³

Reasons

Apartment 1

7. Apartment 1, a two bedroom unit, would be created from the part of the building which fronts onto the Main Road. This rectangular space with double height gable roof and front facing gable dormer has full height windows on its north, south and western elevations. The northern elevation is located close to the windowless south elevation of No 1 River Cottages. The area in between provides part of the access route to all three apartments, and is also allocated as a 'bins + bikes area'. The sitting area of Apartment 1 would be located adjacent to the windows on this side, and whilst the appellant initially indicated that these windows would be obscure glazed, the Council has commented that this would not be a necessary measure. I have no reason to take a different view.
8. The western front facing windows would be clear glazed, though the Council expresses concern about the pedestrian traffic using the new ramp passing close by this window, impacting on the privacy of what would be part of the ground floor living space. However, such pedestrian movement would be mostly limited to the occupiers of and visitors to the three apartments, and would be transient in nature. My view is that any loss of privacy would therefore be limited and would not cause an unreasonable degree of harm.
9. The southern window would be obscure glazed to protect the privacy of the occupiers of School House, whose private amenity space lies directly adjacent to this window. This window would serve the ground floor dining area and upper floor bedroom of this apartment. Whilst I accept that this arrangement would not be ideal, the open plan nature of this accommodation at ground floor level would mean that windows would be clear glazed on two of the three aspects. The outlook and ventilation to the southern bedroom would be less

¹ APP/G5180/W/16/3141896

² Mayor of London *Housing* Supplementary Planning Guidance Housing 2016

³ Paragraph 140

than satisfactory, but this harm would not in itself undermine the viability of the scheme.

10. Additional light to this apartment would be provided via an east facing dormer on the rear roof slope which would serve the landing and stairs, and the full height part of the living area.

Apartment 2

11. Apartment 2, a smaller one bedroomed studio, would be created from the central broadly rectangular block, set behind and slightly to the north of the Apartment 1 block. This part of the building is formed largely from a double height gable extending from the main roofridge. It has full height windows to the north and two ground floor level windows to the south. Additionally, the proposals would include three conservation rooflights in the southern roof slope.
12. The northern elevation stands in close proximity to the rear outrigger and private amenity space of No 1 River Cottages. This dwelling has windows on both its rear elevation and rear outrigger, directly facing the northern gable window at ground and first floor levels. The proposed apartment would have a double height living space located adjacent to this gable window, with a bed deck sited over the southern part of this space. I note that the previous Inspector suggested that this window be obscure glazed to reduce the possibility of overlooking. I have also considered the appellant's suggestion that this window could be part height obscure glazed. Given that the first floor windows on No 1 River Cottages are located at a slightly lower level than the highest point of the gable window, and that the bed deck would be some distance away, I agree that it would be acceptable for the upper sections of this window to be clear glazed and opening.
13. On the southern elevation there would be two clear glazed windows serving the ground floor bathroom and kitchen dining area. The kitchen dining window would be located within 1m of the northern elevation of School House, limiting the amount of light received and outlook from this window, though my view is that it would be acceptable for this to be clear glazed and opening as it would not lead to any direct overlooking of School House or its garden. I accept that the bathroom window would need to be obscure glazed in the interests of the privacy of both the occupants of School House, and of the future occupants of Apartment 2.
14. The upper bed deck would be served by the three south facing conservation rooflights. I accept that these would provide poor outlook over the surrounding area, limited largely to the School House roof, though they would provide ventilation.
15. Overall it is clear that the outlook from Apartment 2 would be limited by both its central position between other buildings, and the need to retain the privacy of the occupiers of neighbouring properties. Whilst it would benefit from a good amount of natural light, the outlook for future occupants would be limited.

Apartment 3

16. This would be the largest of the three apartments containing three bedrooms, and having a small area of private garden space to the rear. This would occupy

the main central section of the original building, up to the point that it adjoins School Hall. It would also include the former shower block. This Apartment would have a clerestory roof feature which would run parallel with the main roof ridge, providing daylight to the landing and first floor bedrooms, with further conservation roof lights on the southern roof slope serving two of the bedrooms and bathroom. An additional ground floor bedroom would be served by two windows on the recessed northern elevation, adjacent to the private entrance to Apartment 3.

17. The kitchen and dining area would be located in the former shower block which would have a pitched glass roof. The windows on the southern elevation serving the main lounge area would adjoin the private garden areas associated with School House and School Hall and would therefore need to be obscure glazed. The Council notes that the main lounge area would gain additional light from the clerestory roof windows.
18. Overall therefore it is clear that whilst this main living area would gain a reasonable amount of natural light, its outlook would be limited by its location and the need to protect the privacy of the occupiers of neighbouring properties.

Conclusions

19. The principle of the conversion of this property has been accepted by the Council, and it appears to me that the issues to be resolved are not insurmountable. As noted previously, the constraints of this site and building mean that some degree of compromise in terms of normal standards is required if this development is to proceed. It is relevant to note that whilst not featuring within the present proposals, the appellant has referred to the potential of window treatments such as *Lumisty*, which allow for certain angles of visibility to be obscured whilst others are retained.
20. I accept that the proposals at present would offer limited outlook to the occupants of Apartments 2 and 3. Nonetheless, my view is that the balance between maintaining privacy and securing a reasonable outlook for the future occupiers of these dwellings could be addressed by a condition requiring that further consideration be given to the treatment of the north facing gable window in Apartment 2, and the south facing windows in Apartment 3.
21. I therefore conclude that the proposal would provide acceptable living conditions for the future occupiers of the proposed dwellings with particular reference to outlook. In this respect it would comply with the London Plan Policy 3.5, the UDP Policies BE1 and H7 and the SPG all of which require a high quality of design and residential amenity.

Other Matters

22. I have considered the further comments made by the Council's Environmental Health adviser regarding the open plan nature of this accommodation and the lack of private garden space. However, as noted above, it is clear that when considering the conversion of an existing building it is not always possible to apply the same standards of layout and design that may be appropriate in new build schemes. In such situations it is not unreasonable to make some compromises in the interests of securing the future use of heritage assets. My view is therefore that these matters would not cause such harm as to undermine the viability of this scheme.

23. The Council does not raise any concerns about the design of this scheme in terms of its effect on the character or appearance of the Conservation Area. I have no reason to disagree. However, I also note that this proposal would secure a future use for a heritage asset. In this respect my view is that the proposal would have a positive impact on the character and appearance of the Conservation Area, the setting of the Grade II* Listed Church and the cluster of locally listed buildings which includes the appeal building. The statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 require that I pay special regard to the conservation and enhancement of such heritage assets. This is therefore a matter of considerable importance and weight. As a result, this factor does weigh in favour of the proposed scheme and supports my conclusion on the main issue in this case.

Conditions

24. I have considered the conditions suggested by the Council alongside the comments made by the appellant and the advice contained in the National Planning Practice Guidance. As a result I have amended some of them for clarity and eliminated duplication. I have included a condition requiring development to be carried out in accordance with approved plans as this provides certainty. A condition preventing further windows or doors being inserted is required to protect the living conditions of the occupiers of neighbouring properties. A condition relating to the storage of refuse is required in the interests of the local environment.
25. Conditions relating to a scheme of landscaping, boundary treatments and external materials are necessary in the interests of the character and appearance of the area, and the amenity of neighbouring occupiers. A condition relating to bicycle storage is required to encourage a reduction in reliance on private transport. A condition relating to the use of obscure glazing is required to protect the privacy of the occupiers of adjoining properties and ensure a good standard of living conditions for the future occupiers of this development. Finally, a condition relating to the recording of details of the air-raid shelter is required to ensure that an understanding of the heritage interest of this feature is gained. It is essential that the requirements of these conditions are put in place prior to development commencing to ensure that the development is acceptable in respect of the matters they seek to address.
26. I have considered the conditions relating to crime prevention and specific aspects of the recording of the air-raid shelter. However my view is that they do not pass the test of necessity as set out in paragraph 204 of the Framework.

Conclusion

27. For the reasons set out above I conclude that the appeal would accord with the development plan when considered as a whole and so should succeed.

AJ Mageean

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: osso_01_01b; osso_01_02b; osso_01_03; osso_01_04; osso_01_05; osso_01_06a; osso_01_08a; osso_10_01c; osso_10_02b (excepting the glazing treatment of the gable window to Apartment 1, which is not required to be obscure glazed and the glazing treatment of the kitchen window in Apartment 2, which is not required to be obscure glazed); osso_10_03c; osso_10_04; osso_10_05a; osso_10_06b; osso_10_07; osso_10_08a; osso_10_09b; osso_10_10b; osso_10_11b; osso_10_12; osso_10_13; osso_10_14; osso_10_15; osso_10_16; osso_10_18; J50.92/01 Tree Constraints Plan; J50.92/02 Tree Protection Plan.
- 3) No development shall commence until a scheme of landscaping (which shall include the materials of paved areas and other hard surfaces) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme 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.
- 4) 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.
- 5) No development shall commence until samples of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples.
- 6) The arrangements for the storage of refuse (which shall include provision for the storage and collection of recyclable materials) and means of enclosure as shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and retained permanently thereafter.
- 7) 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.
- 8) No additional windows or doors to those shown on the permitted drawings shall at any time be inserted in the northern, southern, eastern or western elevations of the development hereby permitted without the prior approval in writing by the Local Planning Authority.

- 9) Before any part of the development hereby permitted commences, details of the glazing treatment of the north facing gable window in Apartment 2, and the south facing windows in Apartment 3 shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details and retained permanently thereafter.
- 10)
 - A) No development shall take place until a programme of structural recording of the air-raid shelter in accordance with a Written Scheme of Investigation shall have been submitted to and approved in writing by the Local Planning Authority.
 - B) The approved programme shall be implemented in accordance with the Written Scheme of Investigation.
 - C) The development hereby permitted shall not be occupied until the site investigation and post recording assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part A, and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.