
Appeal Decision

Site visit made on 21 February 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 03 April 2017

Appeal Ref: APP/G5180/W/16/3164072

Keswick House, 207A Anerley Road, Penge, London SE20 8ER

- 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 Olive Denby (Keswick Homes Ltd) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02764/FULL1, dated 8 June 2016, was refused by notice dated 29 September 2016.
 - The development proposed is a "rooftop extension providing 2 new residential units, and alterations to existing entrance, and mansard to left of entrance."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There has been a dispute over the correct version of the roof plan showing flat floorspace and layout subject to the Council's decision. The Appellant has produced a Council acknowledgement response of the revised plan submitted during the application process. On this basis, the decision has been based on the plan detailed as drawing No. 120_PL015 Rev 1.

Main Issues

3. The main issues are the effects of the proposal on (a) the living conditions of the future residents of the rooftop flats, having regard to internal floorspace, outlook, private outdoor space, privacy, light and ventilation and those of neighbours, having regard to noise and disturbance, and (b) the character and appearance of the area.

Reasons

Living conditions

4. The submitted roof plan indicates that the proposal would be for two 1 bedroom rooftop flats which would comprise floorspace areas of approximately 42m² and 37m². Policy 3.5 of the London Plan (LP) (Consolidated with Alterations since 2011) states the minimum internal floorspace for one bed 1 person flats, should be 37m² with a shower instead of a bathroom. However the minimum internal floorspace for a one bedroom 2 person flat should be 50m². The minimum floorspace areas are in accordance with those set out in the Nationally Described Space Standards (NDSS).
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5. Although the proposal is for one bedroom 1 person flats, there are difficulties with controlling occupancy to meet the LP policy requirement because whatever the intention in planning the development, larger bedroom sizes could encourage more than 1 person. Nevertheless, the NDSS provides a significant steer with what could be realistically considered as one bedroom 1 person flat and a one bedroom 2 person flat. In this regard, the NDSS sets a minimum floorspace requirement for a single bedroom at 7.5m² and a double bedroom or twin bedroom at 11.5m².
6. Taking the NDSS into account, the larger flat (referred to as F1) would be likely to be two person because it would exceed the minimum floorspace requirement for double bedroom/twin bedroom significantly. The smaller flat (referred to as F2) would also likely to be a two person flat because it would meet the minimum floorspace requirement for double bedroom/twin bedroom. On this basis, there would be a conflict with LP policy 3.5 by reason of the deficient amount of internal floorspace resulting in inadequate living conditions for the residents of the two flats.
7. For flat F1, there would be screens around the balconies/terraces adjacent to a bedroom and living room. Although the screening would be louvred, it would remain a largely solid boundary to the balconies/terraces because the screening is mainly required to prevent the significant loss of privacy for both residents of the flat and neighbouring properties. There would also be limited depth between the screen and the glazed windows serving the rooms. Consequently, there would be an adverse loss of outlook for residents using these rooms arising from the oppressive appearance of the screens. For similar reasons, there would be an adverse loss of outlook of residents using the bedroom of the proposed flat F2. This adverse impact would not be addressed by the height of the glazed windows because the screens' heights would be higher than most people's head height, especially when sitting down within these rooms.
8. Gilbert House is a tall apartment development adjacent to the proposed flats. By reason of its height, there would be views from upper floor flats of this building across to the proposed topfloor flats. However, there is some screening around balconies/terraces as part of the appeal proposal and there is also separation between the proposed flats and this neighbouring development. Therefore, there would be no significant loss of privacy for the residents of the proposed development.
9. The balconies/terraces would enclose private outdoor spaces. The Appellant indicates that the areas for each flat more than meet that required by LP policy and I have no evidence before me to dispute this. However, the quality of the spaces for flat F1 would be poor by reason of being dominated by the screening. For flat 2, there would overall be adequate outlook for the occupiers because of the translucent glazed balcony around much of the private outdoor space adjacent to its living room area.
10. Although the screens would block some daylight and sunlight to bedroom and living room areas of both flats, the full storey height depth of the glazed windows serving these rooms would ensure adequate sunlight and daylight. Matters of adequate ventilation for the flats are of a technical nature which could be resolved by either Building Regulation requirements or a planning condition, if not.

11. The location of the site is within a dense urban area where it would be expected some noise and disturbance from activities, including transport, would already occur. The private outdoor spaces are not large in size and therefore the scope for excessive noise and disturbance arising from their use would be limited. For these reasons, there would be no adverse impact on the living conditions of the neighbouring residents in this respect.
12. In conclusion, the proposal would harm the living conditions of the residents of both flats, having regard to internal space and outlook, and the residents of flat F1, having regard to the quality of private outdoor space. Accordingly, the proposal would be contrary to policy 3.5 of the LP and policies BE1 and H7 of the Bromley Unitary Development Plan (UDP) 2006, which collectively and amongst other matters, require new housing to be of the highest standard of design and layout, provide minimum housing internal living space, adequate private amenity space and development to respect the living conditions of future occupiers.

Character and appearance

13. The appeal site comprises a flat-roofed brick building dating to the 1980 which also has steeply sloping mansard roofs split up by parapets at first floor. There is an existing water tank enclosure built on the roof which is tile clad. The surrounding area is characterised by differently designed and scaled buildings.
14. The two rooftop flats would set back from the edge of the roof of the building. The existing building is of no great architectural merit. However, the extensive elevation coverage of modern materials, including cladding and full storey height glazing, and the differing fenestration style would contrast markedly with the bricked walls, slate mansard roofs and less dominant glazing of the host building. The flat units, including tall balconies, would also be more three dimensional than the host building. For these reasons, the rooftop extension would not respect its built context and would be visually awkward and incongruous. Public views of the rooftop extension would be limited but there would be an adverse visual impact experienced by the residents of neighbouring properties. Furthermore, the government attaches great importance to the design of the built environment under the Framework which this proposal would fail to achieve for the reasons indicated. Therefore the limited public visibility of the development would not be a justification to permit it.
15. From what I saw on my site visit, there would be no trees of significant public value overhanging the roof of the host building or the rooftop additions. Thus, there would be no conflict with UDP policy NE7 in relation to tree protection.
16. In conclusion, the development would harm the character and appearance of the area for the reasons indicated. Accordingly, the proposal would conflict with policies BE1 and H7 of the UDP, which collectively and amongst other matters require new housing to be of highest standard of design, complement the scale, form, materials and qualities of surrounding buildings and areas.

Other matters

17. The proposal would comply with the development density requirements under criterion (i) of UDP policy H7. However, this would not address the proposal's failure to achieve design of the highest standard required under criterion (iii) of

this policy and therefore there would be an overall policy conflict. UDP Policy H12 is not relevant to the appeal proposal because it relates to the conversion of non-residential buildings. None of these matters outweigh the harms identified on the two main issues and conflict with the development plan policies.

Conclusion

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

Jonathon Parsons

INSPECTOR