
Appeal Decisions

Site visit made on 14 March 2017

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/G5180/W/16/3161340
44 Westmoreland Road, Bromley BR2 0QS

- 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 S Bragoli of Stoneridge Homes Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02977/FULL1, dated 21 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is a two storey rear extension and conversion of the building to provide 7 flats, including 4 x 1 bedroom and 3 x 2 bedroom units, new roof dormer to side, car parking to front, bin stores, cycle stores and shared amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a number of modifications to the layout of the flats and additional amended plans submitted for formal consideration at appeal. However, according to the 'Procedural Guidance – Planning Appeals – England' if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application. If an appeal is made the appeal process should not be used to evolve a scheme and what is considered at appeal should essentially be what was considered by the local planning authority, and on which interested people's views were sought. Therefore, although the appellant contends that the changes are minor in their effect, they are materially different to those the subject of consultation and assessment by the Council. I have determined this appeal on the basis of those drawings and documents that were before the Council at the time they determined the application.

Main Issues

3. The main issues are:
 - i. the effect of the proposed development on the character and appearance of the surrounding area;
 - ii. whether the proposed development would provide satisfactory living conditions for future occupants of the flats with particular regard to layout and outlook; and
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- iii. the effect of the proposed development on the living conditions of the occupants of an adjacent property with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises a large detached two storey villa situated within a large plot in a residential area of Bromley. Westmoreland Road has various building types including different uses, designs, ages, forms and layouts. It includes detached, semi-detached and terraced houses and purpose built blocks of flats. No 44 is one of a group of four similarly designed and scaled properties which all appear to be currently used as individual residential units. They are all situated within very large plots with long and relatively narrow rear gardens with smaller gardens and car parking areas to the front. Opposite are mainly two storey semi-detached dwellings.
5. The proposed development includes extensions and alterations, the external appearance of which would not be detrimental to the character and appearance of the area. The overall density of the development is within the recommended density range as set out in Policy 3.4 of the London Plan (March 2015). Such a numerical calculation is only one method of determining the suitability of a development within a particular area. Policy 3.4 of the London plan is clear that in optimising the housing potential of a site, developments should take account of local context and character, among other things.
6. The proposal would potentially lead to a total of seven households living on the site, resulting in significantly greater levels of activity through general comings and goings and vehicle movements and also greater use of the private amenity space to the rear. The additional activity in such close proximity to other residential properties and their associated private amenity spaces would alter the character of the site, its immediate surroundings and the relationship between residential properties in the immediate locality.
7. The Framework is clear that character goes beyond the physical appearance and aesthetics of an area, but also encompasses how a development contributes towards local identity. Although there are some flats in the area, the conversion of this house in the manner proposed would run contrary to the established pattern of development in the locality and would undermine how the area functions in terms of the movement of people and vehicles, for example, as well as the identity of the immediate locality and sense of place.
8. Consequently, on this issue I conclude that the proposal would be harmful to the character and appearance of the surrounding area by introducing a dense development of small flats which are not identified as being of priority. Therefore, it is in conflict with Policies H7 and BE1 of the Unitary Development Plan July 2006 (the UDP) and Policy 3.8 of the London Plan which seek to ensure that development complements the qualities of surrounding areas, among other things.

Living conditions – occupants of proposed flats

9. The floorspace provision for each of the units is compliant with the required standards as set out in Policy 3.5 of the London Plan and the Housing Supplementary Planning Guidance (March 2016) and is therefore considered to be acceptable. However having adequately sized rooms is not the only means

of assessing the suitability of the accommodation proposed. New homes should also have convenient and efficient room layouts which are both functionally suitable and fit for purpose.

10. I share the Council's concerns that Flat 1 has a contrived layout with a flank bedroom window, a divided front window using an internal partition and a main living/kitchen/dining room with single aspect outlook directly towards and in close proximity to the car parking area in front of the property. Furthermore, Flat 6 also has a partitioned divided window serving a bathroom and bedroom, Flats 2 and 5 have flank bedroom windows only which would have an enclosed outlook looking directly towards the adjacent residential property at close quarters and Flats 4 and 5 have no storage space.
11. As a consequence of the layout the outlook from a number of habitable rooms would be seriously compromised due to their poor relationship with their immediate surroundings, including the car parking area and adjacent built development. Although the levels of light to the accommodation will generally be adequate this does not outweigh my concerns regarding outlook. I also recognise that some of the rooms in question are already currently or more recently used as bedrooms. Nonetheless, as a result of the overall character of the accommodation with more limited aspect and space provided within each flat the effect of poor outlook would be more significant when compared to the existing use of the large property as a single dwelling.
12. Furthermore, the intensification of the proposed use and layout proposed gives rise to a rather contrived and awkward layout which is illustrated by the limited outlook, poor provision of internal storage for some flats and the divided windows.
13. I understand that amendments to the layout may address some of these concerns; however, as previously explained I have dealt with this appeal on the basis of the plans that were before the Council when it made its decision.
14. Therefore, on this matter I conclude that the proposal would not provide satisfactory living conditions for all future occupants of the flats with particular regard to layout and outlook. As such it is contrary to Policies BE1 and H7 of the UDP and Policy 3.5 of the London Plan which seek to ensure that the design of new development should respect the amenity of future occupants and housing developments should be of the highest quality internally, among other things.

Living conditions – occupants of adjacent properties

15. The bedroom windows in the flank wall facing No 42 are the only bedroom windows for the respective flats and therefore the Council considers they would entail an increased level of outlook in this direction resulting in a loss of privacy to the neighbouring property. However, on site I observed that all of the opposing doors and windows in the flank wall of No 42 are obscure glazed. Therefore, although the proposal may lead to additional use of the flank windows for outlook purposes, the effects of the additional use would be very limited.
16. Consequently, I do not consider that the proposed development would result in an unacceptable degree of increased overlooking. As such it would not cause unacceptable harm to the living conditions of the occupants of an adjacent

property with particular regard to privacy. Therefore, there is no conflict with Policies BE1 and H7 of the UDP or Policy 7.6 of the London Plan. Among other objectives, these policies seek to ensure that new development should be of a high quality layout that does not harm the amenity of the occupants of neighbouring properties with reference to privacy.

Other matters

17. The National Planning Policy Framework (the Framework) states that if a five year supply of housing cannot be demonstrated, the Council's policies for the supply of housing are out of date and proposals should be considered in the context of the presumption in favour of sustainable development. The Council claims that it can now demonstrate a five year supply of housing and a report submitted to and agreed by the Development Control Committee on 24 November 2016 informs the Proposed Submission Draft Local Plan (November 2016) that was subject to consultation until the end of 2016.
18. However, the appellant maintains that the Council is unable to satisfactorily demonstrate a five year housing land supply. As such, the appellant suggests that policies that are relevant to the supply of housing in the UDP are not up to date. My attention has been drawn to two recent appeal decisions where Inspectors have concluded that the five year supply has not been subject to any examination and there is some doubt as to whether the five year supply can be conclusively demonstrated.
19. Therefore, in line with previous Inspectors and in the absence of any further evidence on this matter I have also adopted a precautionary approach in determining this appeal. Nonetheless, even if I were to accept that the Council does not have a five year supply, this would not inevitably lead to the appeal being allowed.
20. On the assumption that the Council does not have a five year supply, the additional residential units that would be created does carry some weight in favour of the proposal. However, in this particular case I consider that the harm I have identified with respect to the harm to the character and appearance of the area and that the proposal would not provide satisfactory living conditions for all future occupants of the flats with particular regard to layout and outlook flats would demonstrably outweigh the benefit of the additional residential units.

Conclusion

21. Although I have found that the proposed development would not cause demonstrable harm to the living conditions of the occupants of neighbouring properties, I have found that the proposal would be harmful to the character and appearance of the area and that it would not provide satisfactory living conditions for all future occupants of the flats with particular regard to layout and outlook. These are the prevailing considerations. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR