
Appeal Decision

Site visit made on 9 May 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 24th May 2017

Appeal Ref: APP/G5180/W/17/3169991
66 High Street, Chislehurst BR7 5AQ

- 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 Jason Moyce against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04576/FULL1, dated 3 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed was originally described as 'change of use and conversion of first and second floor accommodation from offices to flats. Single storey rear extension to retail unit and loft conversion to provide additional residential accommodation'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of first and second floors from office to residential flats including conversion of the roof space to habitable accommodation to form 1 x 2 bedroom flat and 1 x 1 bedroom flat, single storey rear extension to retail unit and replacement windows at 66 High Street, Chislehurst BR7 55AQ in accordance with the terms of the application, Ref DC/16/04576/FULL1, dated 3 October 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Following the receipt of additional information from the appellant in the form of a parking survey the Council have confirmed that they no longer wish to contest the appeal. I have taken this into account in my decision.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. The appellant has subsequently confirmed that the amended description was agreed with the Council and in my view, this is a more accurate description of the development proposed. The Council dealt with the proposal on that basis and so shall I.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The proposal would provide no off-street parking spaces with 1 space allocated to the rear, for the existing ground floor retail unit. Although I note the Public
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Transport Accessibility Level rating of 2, the appeal site is close to services and facilities, including public transport. Although surrounding streets were heavily parked, with vehicles on both sides of the road, there is no evidence before me of any particular highway safety issues associated with on-street parking in this locality. From my observations, albeit during the late morning, some spaces were available and residents and visitors would also have access to a large public car park directly to the rear with chargeable hours of 07:30 to 18:30. To my mind, this would allow some flexibility for parking for future occupiers and their visitors. Consequently, I am satisfied that any modest increase in potential on-street parking demand as a result of the proposal would not have a material or detrimental effect on highway safety.

6. For these reasons, the proposal would not cause harm to highway safety and would not therefore conflict with Policy T18 of the London Borough of Bromley Unitary Development Plan 2006 which seeks to ensure that road safety is not adversely affected.

Other Matters

7. The appeal site is located within the Chislehurst Conservation Area ('CCA') and I note that the Council do not raise any concerns in this regard. In my view there would be no material effect on the frontage of the building, subject to conditions requiring materials to be agreed. The extension and alterations to the rear would be acceptable in design terms and would not be unduly dominant or overly prominent. Therefore the proposal would preserve the character and appearance of the CCA.

Conditions

8. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. A condition requiring details of the external materials to be agreed is necessary, in order to protect the character and appearance of the area. Although the Council have requested a separate condition in relation to details of the windows, I have dealt with both the materials and windows in a single condition.
9. To prevent the increased risk from flooding, I have imposed a condition requiring details of a surface water drainage system to be agreed. The provision of refuse storage is necessary in the interests of living conditions and the character and appearance of the area and cycle storage space, in order to promote sustainable forms of transport. Although the Council have requested details these are clearly shown on the approved plans and I have therefore combined these into one single condition in order to avoid duplication. A Construction Method and Management Plan is necessary in the interests of highway safety and the living conditions of adjoining occupiers.
10. Conditions 3 and 6 are conditions precedent and I am satisfied that such conditions are fundamental to the development to ensure that development does not occur until such matters are resolved, in the interest of a combination of the effects on the character and appearance of the area and highway safety.

Conclusion

11. For the reasons set out above and having considered all other matters raised, the proposal would not conflict with the development plan, when taken as a whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: 5750-PD-01, 5750-PD-02 Rev B and 5750-PD-03 Rev B.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted (including materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals of the windows and roof lights) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) None of the dwellings hereby approved shall be occupied until a drainage system to allow for the disposal of surface water sewerage has been completed in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The system shall be retained in the approved form thereafter.
- 5) The development hereby permitted shall not be occupied until the secure cycle parking space and refuse storage areas as shown on approved plan 5750-PD-03 Rev B have been provided. The secure cycle parking space and refuse storage area shall thereafter be kept available for such purposes.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors and traffic management;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.