
Appeal Decision

Site visit made on 15 May 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/G5180/W/17/3169363

The Studio, Burgh Hill Drive, Kingswood Road, Bromley BR2 0HQ

- 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 Kokchong Chan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04022/FULL1, dated 25 August 2016, was refused by notice dated 20 January 2017.
 - The development proposed is the conversion of garage and studio below to form a one bedroom dwelling, including elevational alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage and studio below to form a one bedroom dwelling, including elevational alterations at The Studio, Burgh Hill Drive, Kingswood Road, Bromley BR2 0HQ in accordance with the terms of the application, DC/16/04022/FULL1, dated 25 August 2016, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of the proposed development on the Council's decision notice includes the increased height of the existing garage, a ground floor rear extension, provision of external courtyard area to the ground floor and elevational alterations. This is reflected on the submitted plans. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues raised in respect of the proposed development are the effect on: -
 - (a) The living conditions of existing occupiers;
 - (b) The living conditions of future occupiers in relation to housing standards; and,
 - (c) Parking and road safety.

Reasons

4. The appeal structure is two storeys in height. It comprises a block of three garages on the upper level, accessible via Burgh Hill Drive, and a vacant pottery studio on the lower level that faces onto an enclosed garden area. The
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ground level slopes steeply down from the lane toward the rear of properties fronting Valley Road. The structure backs onto No 48 Valley Road, a four storey semi-detached property that has been converted into flats. The lower floor and garden area are positioned at a similar level to that of the adjoining gardens.

5. The proposal would involve the conversion of the building into a one bedroomed dwelling, with two of the garages being retained for parking purposes. The proposal would include a part width extension to the rear of the building thus reducing the size of the existing garden area.

The living conditions of existing occupiers

6. The building is more than 20m from the rear elevation of No 48 Valley Road. At ground floor level the proposal would include glazed patio style doors and a glazed lattice screen proving outlook towards No 48. A similar patio style door and matching height windows serving a bedroom are proposed but these would provide outlook toward the end of the adjoining garden of No 46 Valley Road. Due to the tall closeboard fence around the rear garden scope to look into neighbouring houses and gardens is limited. The plans illustrate evergreen tree planting within the appeal site that would further reduce any outlook toward No 48. Both the boundary enclosures and landscaping can be controlled by the imposition of appropriate conditions and this would prevent harmful or perceived overlooking from taking place. In addition, the external stairs, which currently allow views toward adjoining properties and their gardens, would be removed. Taking these matters collectively, the proposal would not unacceptably harm the living conditions of existing adjoining occupiers.
7. Whilst the proposal would be visible to the occupiers of No 48, this would not significantly change their outlook, despite the ground floor of No 48 being positioned at a lower ground level. Furthermore, given the distance and orientation of the proposed dwelling to adjoining dwellings and the limited overall height and size of additions, I do not consider that harmful loss of light would take place or that the scheme would significantly impact adjoining landscaped gardens.
8. The previous use of the building was a small-scale pottery which was limited to a specified person on a temporary basis. The proposal would involve the permanent use of the building as a dwelling in close proximity to existing residential properties. Although the previous storage and pottery uses were low-key, the proposed dwelling is small, as is the associated outside garden area. The noise and movements of future occupiers and use of the garden would not, in my opinion, be harmful to the living conditions of adjoining occupiers and would be of a degree normally found to take place in residential areas such as this.
9. Taking all relevant considerations into account, I conclude that the proposed development would not harm the living conditions of existing occupiers. For the reasons given above, the proposal would not materially conflict with Policies BE1 and H7 of the London Borough of Bromley Unitary Development Plan (UDP) 2006, which seek all development proposals to respect the amenity of occupiers of neighbour buildings and ensure their environments are not harmed by inadequate privacy, amongst other matters.

The living conditions of future occupiers

10. The proposal is a one bedroom dwelling. The Council contends that the layout would be cramped and a claustrophobic living environment would be created. The London Plan sets the appropriate thresholds to which new development should adhere. These minimum space standards ensure that development is not cramped internally, ensure adequate room sizes and that convenient and efficient room layouts can be achieved.
11. Policy 3.5 of the London Plan indicates that for a two storey, one bedroom, two person dwelling a gross internal area of 58m² is required. The Council advises that the overall floor space would be 58.5m². The proposed development would therefore meet the minimum space standards as required by this policy.
12. The Council highlight that the double bedroom falls short of the minimum requirements for a double bedroom as required by Policy 3.5. The appellant indicates this shortfall to be 1.4 m². The shortfall in bedroom size could, in my opinion, be addressed by some minor repositioning of the internal bedroom wall partition.
13. Taking all relevant considerations into account, I conclude that the proposed development would not harm the living conditions of future occupiers in relation to housing standards. For the reasons given above, the proposal would not materially conflict with the aims of Policy 3.5 of the London Plan which seek all new homes to achieve minimum space and amenity standards amongst other matters.

Parking and road safety

14. The proposal would result in the loss of one garage and the absence of a dedicated parking space for the proposed dwelling. Kingswood Road is partly within a Controlled Parking Zone. The increase in one dwelling would not significantly add to the on-street parking in the locality even if demand for on-street parking increases during drop off and pick up times at the primary school at Kingswood Road. The Council's Highway Officer did not object to the proposal despite the London Plan parking standards indicating that one parking space is desirable. It is unlikely that one dwelling and its occupiers would significantly add to local congestion in the area.
15. The access road is an unlit single track and serves a small number of residential properties and includes lock-up garages. It is not a through road. Although the proposed dwelling would be located some distance from Kingswood Road, I am not persuaded by the Council's suggestion that there would be a crime or safety concern pertaining to pedestrians or future occupiers using the existing unlit access.
16. Furthermore, as this would not be a family dwelling movements by future occupiers would likely be low. On the evidence before me and having regard to the small size of the proposed dwelling I am satisfied that the proposal would not result in a harmful effect on highway safety or prevent access by emergency vehicles along Burgh Hill Drive.
17. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect upon users of surrounding highways as a result of additional on-street parking or have an adverse impact upon road safety. It would not, therefore, conflict with Policies, H7, T3 and T18 of the

UDP which seek, amongst other matters, to ensure that road safety is not adversely affected and that off-street parking spaces will be no higher than the parking standards.

Other Matters

18. A number of concerns have been raised by neighbouring occupiers. The disposal of waste water from the appeal property has discharged into neighbouring gardens in the past. I note that no concerns have been raised to the proposal by the Council's Drainage Officer and I consider this matter can be dealt with by the imposition of appropriate planning conditions. With regard to the proposal contravening the legal terms of the lease of the garages, this is a separate matter beyond the scope of planning control. I see no reason that would indicate the development would set a precedent for other similar proposals in the area. In any event, each proposal would be considered on its own merits.
19. None of these matters alter my conclusion that the appeal should be allowed.

Conditions

20. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the National Planning Policy Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
21. A condition has been put forward by the Council that would ensure that the materials as set out in the application are used in the development. The Council is not contesting the use of those materials specified. I consider that it is reasonable to control the materials to those set out on the planning application form and/or the approved drawings as different materials may otherwise be unacceptable in this location. Such a condition is appropriate in the interests of the character and appearance of the area.
22. Conditions relating to foul and surface water drainage systems are necessary to ensure satisfactory drainage is put in place to serve the development and to protect the living conditions of adjoining occupiers. These conditions require details to be submitted and agreed by the local planning authority prior to the commencement of development. These conditions are fundamental to the acceptability of the proposal and therefore are necessary to be agreed before development takes place. A condition relating to boundary enclosures is necessary to protect the living conditions of adjoining occupiers. For the same reason a condition relating to refuse and recycling storage facilities is necessary.
23. The Council considers that the removal of Class A, B, C or E of Schedule 2 Part 1 of the Town and Country (General Permitted Development) Order 2015 permitted development rights would be appropriate. It is not entirely clear what the Council seek to achieve by removing such permitted development rights or what harm might occur to the future occupiers or adjoining occupiers if such permitted development rights were implemented at the property. I refer to the advice in the Planning Practice Guidance which states that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in

exceptional circumstances. I do not consider there to be exceptional circumstances here. The Council also seeks to prevent additional windows and doors being inserted within the rear and flank elevations of the permitted dwelling. However, for the same reasons I do not consider there to be exceptional circumstances for this.

Conclusions

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

Nicola Davies

INSPECTOR

SCHEDULE

CONDITONS

- 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 approved plans listed 0016/PL/00, 0016/PL/01, 0016/PL/02 and 0016/PL/03.
- 3) The materials to be used in the external surfaces of the development herein permitted shall be as set out on the planning application form and/or the approved drawings.
- 4) Prior to the commencement of development hereby permitted, details of a foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The foul water drainage system shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development.
- 5) Prior to the commencement of development hereby permitted, details of a surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development.
- 6) Prior to first occupation of the development hereby permitted, details of the boundary enclosures shall be submitted to and approved in writing by the Local Planning Authority. The boundary enclosures shall be implemented in accordance with the approved details and shall thereafter be retained for the lifetime of the development.
- 7) Prior to first occupation of the development hereby permitted, details of the refuse and recycling storage facility shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage facility shall be implemented in accordance with the approved details and shall thereafter be kept available for such use for the lifetime of the development.