

Appeal Decision

Site visit made on 13 February 2018

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2018

Appeal Ref: APP/G5180/W/17/3181331

2 Walsingham Road, Orpington BR5 3BW

- 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 Mesud Sali against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02881/FULL1, dated 15 June 2016, was refused by notice dated 22 March 2017.
 - The development proposed is described as 'A planning permission has been granted to convert the existing house to accommodate 2, 3 bedroom houses and the proposal is to convert the existing house by erection of two storey side extension, single storey rear extension and loft conversion to accommodate 4 flats at 2 Walsingham Road, Orpington BR5 3BW.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Planning permission has been granted (under application ref: 15/03829) for part one/ two storey side and rear extensions and a roof extension at the appeal property. Under that scheme the property was sub-divided into two dwellings. I understand that, at ground and first floor levels, that proposal and the appeal proposal would be essentially the same. However, the appeal proposal includes a larger roof extension. The Council is concerned about the effect of this roof extension on the character and appearance of the area. I have framed the main issues accordingly.

Main Issues

3. The main issues are the effects of:
 - the proposed roof extension on the character and appearance of the area;
 - the proposed accommodation on the living conditions of future occupiers, with particular regard to the sizes of the internal and external spaces.

Reasons

Character and Appearance

4. The appeal property is a two storey dwelling with a rear roof extension. It is prominently located at the end of a terrace of three properties which sits at the junction of Walsingham Road and Sevenoaks Way. A similar terrace is located
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on the opposite side of Walsingham Road. Other properties in the road are semi-detached. However, there is significant uniformity in the appearance of the buildings in the road, notably in the use of hipped roofs. This gives the buildings a symmetry which contributes positively to local distinctiveness.

5. The appeal proposal includes a hip to gable roof extension and rear dormer. The gable roof form would be out of character with the surrounding area and result in a loss of symmetry of the building. This would be exacerbated by its siting at the end of the road. The new roof would be very prominent in views from Walsingham Road and a significant length of Sevenoaks Way.
6. I recognise that 6 Walsingham Road has a hip to gable roof extension. In my view it does not set an attractive precedent even though, in isolation, it does not undermine the prevailing character of the area. Furthermore it is less prominently located than the appeal proposal. Consequently, it does not provide a robust justification for the appeal proposal.
7. My attention has been drawn to two appeal decisions¹. However, neither is in the vicinity of the appeal site and the first main issue is concerned with the site specific effect of the proposal on its immediate surroundings. As such, the cited decisions are of limited relevance in this case.
8. Therefore, I find that the proposed roof extension would have a harmful effect on the character and appearance of the area. As such, it would conflict with Policy BE1 of the Council's Unitary Development Plan 2006 (UDP) and Policy 3.5 of the London Plan 2015 (LP). Amongst other things, these policies require proposals to be of a high standard of design which complements the form of adjacent buildings and areas and does not detract from the street scene.

Living Conditions

9. The proposal would create four, two bedroom/three person flats. Policy 3.5 and Table 3.3 of the LP, together with the Nationally Described Space Standards, set out minimum floor areas for new dwellings. The minimum space standard for two bedroom/three person flats is 61sqm. Flats A and C would have floor areas of 53sqm and 55.5sqm. Flats B and D would be spread over the first and second floors. The floor areas of the first floors would be 29.95sqm. The application plan does not give the floor area of the second floor. However, as a result of the space lost to the roof slope on that floor, it would inevitably be smaller. As such, all of the proposed flats would be materially smaller than the minimum standards set out in relevant policy. Moreover, the smaller bedrooms in flats A and C would have floor area of 7.2sqm which is less than the requirement for single bedrooms set out in the Nationally Described Space Standards. Consequently, I consider that the flats would not offer future occupiers adequate functional internal space to lay out furniture, provide storage, circulation and the like.
10. The Mayor for London's Housing Supplementary Planning Guidance (SPG) seeks a minimum of 5sqm of private outdoor space for 1-2 person dwellings and further 1sqm for each additional occupant (Standard 26). Whilst this standard would be achieved in the case of flats A and C, flats B and C would have no outdoor space. As such, these flats would not make provision to meet the

¹ Appeal Refs: APP/G5180/W/15/3018534 and APP/G5180/W/16/3152688

needs of future occupiers with regard to siting out, clothes drying, external storage and so on.

11. The Council has also expressed concern regarding the light and ventilation in the living room of flat A and sizes of the kitchens and bathrooms in both ground floor flats. However, these matters have not been determinative in my decision.
12. Nevertheless, I conclude that the proposal would not provide adequate living conditions for future occupiers with regard to the sizes of internal and external spaces. As such, it would conflict with LP Policy 3.5 as well as with UDP Policy H11 to the extent that it requires residential conversions to provide a satisfactory living environment for intended occupiers.
13. The appellant states that the previous scheme to create two dwellings was found to be acceptable under Policy H11. However, my conclusion is based on the size of the accommodation in the current proposal which is different from the previous scheme.

Other Matters

14. The first reason for refusal also refers to the cramped and over-intensive use of the site being harmful to the character of the area. However, there is little in the Council's statement to substantiate this as a separate concern from matters which I have addressed in the main issues above. Therefore, I am not persuaded that the proposal would conflict with UDP Policies BE1 or H7 insofar as they deal with the question of density.
15. I recognise that there is a need for more housing throughout the country and that the need is particularly pressing in London. The policies of the National Planning Policy Framework (the Framework) and the London Plan make that clear. However, the appeal proposal would deliver only two more units than the previous scheme. Whilst those units may be smaller and, therefore, less expensive, no mechanism has been offered to ensure that they would be 'affordable' within the definition set out on the Glossary to the Framework. Moreover, I have found that none of the proposed flats would provide satisfactory living conditions for future occupiers. This negates the limited weight I can give to the benefit of the additional housing. Consequently, it does not overcome the harms identified above.
16. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

17. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR