
Appeal Decisions

Site visit made on 14 August 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2019

Appeal A Ref: APP/G5180/W/19/3228188

Crusader Hall, High Street, Beckenham BR3 1EA

- 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 Adler against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/03898/FULL1, dated 15 August 2017, was refused by notice dated 20 March 2019.
 - The development proposed is the demolition of existing private clubhouse (D2) and redevelopment of site for 2 no. 1 bed flats and 7 no. 2 bed flats and ancillary car parking.
-

Appeal B Ref: APP/G5180/W/19/3228190

Crusader Hall, High Street, Beckenham BR3 1EA

- 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 Adler against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/03042/FULL1, dated 15 August 2017, was refused by notice dated 20 March 2019.
 - The development proposed is the demolition of existing private clubhouse (Class D2) and redevelopment of site to provide a three storey apartment block comprising of 2 x1 bedroom apartments and 7 x 2 bedroom apartments together with the provision of cycle, refuse/recycling storage, amenity space and associated pedestrian access.
-

Decision

1. Both appeals are dismissed.

Procedural and Preliminary Matters

2. In respect of appeal B I have taken the description from the appeal form as the description on the planning application form reads the same as appeal A. as the evidence from the parties in respect of both appeals shows, the difference between them is that appeal B does not provide for car parking. I am of the view therefore that the description I have used for appeal B most appropriately reflects the development to which it relates. This is the same description used by the Council on their decision notice. I am therefore content that no party would be prejudiced by my use of it. I have proceeded on this basis.
3. The two schemes, in terms of the design, size and location of the proposed building, the broad site layout parameters and the point of access, are the

same. The key difference in respect of appeal B is that there would be no off street car parking provided.

Main Issues

4. With this in mind, and in relation to both appeals A and B, there are five main issues:
 - Whether the proposed development would represent the unacceptable loss of a community facility;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on highway safety with particular regard to the suitability of the appeal site's access;
 - The effect of the proposed development on protected trees; and
 - Whether the proposed development would provide for satisfactory living conditions for future occupiers with particular regard to the amount of internal floor space and the quality of outdoor amenity space.
5. In the case of appeal B there is an additional issue. This is whether the proposed development would make adequate provision for off street car parking.

Reasons

Community Facilities

6. Policy 20 of the Local Plan¹ sets out the Council's stance on the provision and retention of community facilities. It states that, amongst other things, planning permission will not be granted for proposals that would lead to the loss of such, unless alternative enhanced provision is to be made in an equally accessible location for the community it serves, or it can be demonstrated that there is no longer a need for them or other forms of social infrastructure. The appeal proposals do not appear to include measures to make enhanced provision. As such, and having regard to the wording of Policy 20 as an **or** instead of an **and** (my emphasis), it seems to be that the appellant's case relies on there no longer being a need for the community facility.
7. The appeal site comprises a single storey detached building in a poor state of repair. The evidence suggests it was last used for storage but prior to that as a meeting venue and club house for the local Lions charity. The appellant advances advice received from a local agent that demand for such premises are low. They state that, based on their experience, the existing hall would not be a practical option for other similar uses. They go on to say that they have not received a request for such properties in the area, indeed not in the last five years. There are doubts that the hall would be suitable for uses such as those based in faith, education and social functions due to its size, configuration and location.
8. From my own site visit I was able to see its current state which is far from usable. That said, it appears to be largely in one piece and no clear evidence

¹ London Borough of Bromley Planning Division Local Development Framework: Local Plan 2019

of structural issues. There was some evidence of water ingress and internal cosmetic damage. I have no specific evidence pertaining to the cost of putting such problems right however and therefore can't be certain the current state of the building is terminal.

9. I have no reason to necessarily disagree with the appellant's advice in respect of demand for the premises but there is no clear indication as to what their conclusions are based on other than 'experience'. It does not appear that demand for the premises, or indeed the site it is on, has been formally tested in the market. I acknowledge that the Local Plan suggests such action should be in respect of listed assets but it is nonetheless a requirement of Policy 20 for a lack of need to be demonstrated. A programme of marketing is one tested way of measuring such. The building has been vacant for some period of time and I cannot argue that no party has come forward to propose a community re use or otherwise. However, how can one be sure that there would not be a need unless said need has been tested in some way? I.e. it is less likely a future user may come forward if users on the look out do not know a given site or building may be available.
10. The appellant's case seems to focus on the building with limited thought having been given to the site or wider community uses outside of those listed. Again, and referring back to it not being clear on the cost of repair to the building, little consideration seems to have been given to redeveloping the site for an alternative community based use. I am also mindful that Policy 20 is clear on it being a requirement to demonstrate that there is no longer a need for them, or other forms of social infrastructure. This implies a greater depth of alternatives than that which the appellant has advanced.
11. With the above in mind I am not satisfied that it has been sufficiently demonstrated that there is no longer a need for the community facility or other forms of social infrastructure. The appeal schemes would thus lead to the unacceptable loss of a community facility, contrary to the aims of Policy 20 as I have set them out above.

Character and Appearance

12. The appeal site is heavily wooded and overgrown. It is otherwise undeveloped save for the building referred to earlier and some containers. It is enclosed by a mix of wire mesh, metal fencing and trees. The flat area of irregular shaped land is sited to the rear of the terraced commercial and residential buildings that front High Street. They are long and narrow plots with the main buildings facing south and yards/extensions running north.
13. The proposed development would introduce a tier not common with the area which as I have said comprises mainly frontage development. There would thus be some conflict with the long established urban grain. That said, I am mindful that any continuing community use at the site would also have a function and potential journeys to and from it. It could be enclosed and of a separate/independent function to any other uses that operate from buildings along the High Street frontage.
14. The existing building is nonetheless very recessive in character terms and sat inconspicuously in a dense wooded area. It is read in the context of extensions and incidental outbuildings to the rear of High Street buildings. The semi clearance of the site to accommodate what would be a building of substantial

scale would alter the semi secluded character and layout of built form on the site. The new building, opening up an access point and extensive area of car parking would develop the site to an upper limit, almost cramming it into a tight space. The building and its associated works would be clearly legible as being designed and built around the space available, which is a tight and restrictive area for nine new self contained dwelling units.

15. I note the siting of the main building containing the flats, it being such that public views from the High Street would be limited. There is however a shared access way that runs behind the High Street buildings from which clear views would be possible. In any case, the limited visual impact of the proposed development would not be sufficient to acceptably reduce the impacts I have identified. As a more modern example of its type I do not necessarily object to the design of the building however this is a single matter in isolation and would not be sufficient to make the appeal schemes acceptable in regard to this main issue.
16. I therefore consider that the appeal schemes would be harmful to the character and appearance of the area for the reasons I have said. This would lead to conflict with Policies 3, 4 and 37 of the Local Plan. Between them, and amongst other things, these policies seek to ensure that new development (back land specifically) is of a high quality and contextually appropriate design and appearance that has no unacceptable impact on character, appearance or context and compliments the qualities of the surrounding area.

Highway Safety

17. Vehicular access to the proposed development, with regard to appeal A which proposes car parking within the site, would be via the existing shared route that runs north from the High Street and between Nos 132 and 134. The route is single width and runs between two tall sided buildings for the majority of its length before it turns through roughly 90 degrees to run along the rear of the High Street properties. In the case of appeal A, a car park would be provided at the point of turn and would accommodate nine spaces.
18. The access to the appeal site is very narrow and would permit the traversing of a single vehicle in one direction at any one time. There are no passing places available currently, nor could any be provided for given the position of the two aforementioned buildings. The area opens up slightly closer to the appeal site and this would be opened up further by the scheme for appeal A but the pinch point cannot be avoided.
19. The narrowness of this part of the access runs a considerable length and due to the position of the frontage buildings, vehicles entering from High Street would not have a sufficiently clear sight towards any others either beginning to exit or already on their way out. Should this happen, either the exiting vehicle would have to reverse back towards the appeal site or the entering vehicle would have to either wait in High Street or similarly reverse out onto it. In the case of the former two options this is less than ideal, in the case of the latter potentially dangerous to both pedestrian and vehicular users of High Street. In addition to the potential conflict problems in this regard, visibility out of the access seems to me to be substandard and one would have to be across the pavement on High Street before a clear line of sight could be achieved in both directions.

20. The point of access would appear to be intended for pedestrian as well as vehicular access which would be problematic for the reasons I have identified above. There is an alternative access available further down High Street between Nos 158 and 162 but from the appeal plans this land does not appear to be in the control of the appellant and as such I am unable to consider this a suitable alternative. The potential for there to be an increase in conflict between pedestrian and vehicular users of the primary access is therefore high given its width.
21. It is perhaps pertinent to point out that the access that currently leads from High Street between Nos 132 and 134 is also used for other premises that both back onto and occupy space to the rear and above High Street properties. It is therefore not just the impact of vehicles associated with the proposed development but a cumulative one also.
22. I appreciate that larger vehicles may be less frequent visitors to the appeal site and analysis that I have seen would appear to suggest it would be physically possible for delivery vans, some lorries and refuse appliances to access the scheme. The appellant also suggests that sprinkler systems may prevent the need for larger fire appliances to access the site. I would exercise caution with the latter statement since some emergencies may be beyond the ability of a sprinkler system to deal with and consequently, I would not be comfortable relying on them alone. In any case, such larger vehicles, however infrequent their attendance may be, have the potential to increase the use of the access further along with normal day to day comings and goings, adding to the problems I have highlighted.
23. The appellant's road safety audit makes a number of recommendations. They include notifying users of problems with the access through a form of shared space, repositioning of a pedestrian refuge in High Street, relocation of an adjacent bus stop, changing the surfacing and kerbs to the exit point at the High Street junction and relocating some utilities apparatus on external walls of 132 and 134 High Street. These measures could go some way to improving the situation along the route of the access but would, in my view, be akin to the proverbial sticking plaster on a broken leg. In essence, the main problems for me would not be satisfactorily addressed. Those being the length and width of the access and the visibility from the junction with High Street. These matters are governed by the size and location of the aforementioned buildings.
24. I note that the appeal site is centrally located and residents would have ready access to a range of services on which they would rely for day to day living. That said, and in respect of appeal A at least, the appeal scheme still proposes car parking for a not insignificant number of self contained residential units that would have to use what is clearly a substandard access route. Even in regard to appeal B, which proposes no car parking, the appeal scheme would still have to be serviced and for the reasons I have given, this would also be the source of problems.
25. The appeal scheme would therefore not be acceptable in highway safety terms. The use of the access has the potential to be dangerous as well as the free flow of traffic being significantly compromised. This would be contrary to Policy 32 of the Local Plan which states that the potential impact of any development on road safety will be considered and ensure that it is not significantly adversely affected.

Protected Trees

26. The appeal site is in amongst an area of woodland subject to a group Tree Preservation Order (TPO). The crux of the Council's concerns in respect of this main issue appear to stem from the future pressure that may be brought to bear on the retained protected trees due to them all but dominating the areas of communal outdoor space afforded to the flats within the site in respect of both appeals.
27. The tree survey and recommendation work undertaken by the appellant suggests that seven are to be removed. A good proportion of the trees bounding the site to the north however, as well as others, are proposed for retention. They would also be subject to protection by the aforementioned group TPO and those to be removed could only be so through the granting of planning permission. The Council would retain control over the remainder through the TPO. In essence, any party wishing to undertake works to them in the future would still require the written consent of the Council.
28. There would be an element of buyer beware to consider here and it is my view that future occupiers either buying or renting would be well aware of the existence of substantial tree cover within and around the site. Indeed, some may find such an arrangement appealing. In addition, the expectation for high quality and unimpeded amenity space is not the same in communally provided flatted developments as it is in conventional houses with their own private gardens.
29. The amount of development within an area governed by a group TPO would be significant but there is nothing compelling before me to make me consider that they could not exist together given the above. I am therefore satisfied that there would not be any conflict with Policies 37 and 73 of the Local Plan. Amongst other things, these policies seek to ensure that new development positively contributes to the area and respects landscape features as well as making sure that development does not adversely affect trees of interest or importance.

Living Conditions

30. The decision notice in both cases refers solely to the amount of internal floorspace that the flats would provide. Specifically the one bedroom units. Through altering the bathroom in each of these cases to a shower room (which would be de minimis in the grand scheme) it seems that every unit within the appeal schemes would meet expressed minimum standards². Indeed, the Council's appeal statement seems to confirm that they are happy with the provision of floorspace. Based on what I have seen in this respect, I have no reason to disagree with the conclusions reached by either main party.
31. The Council also appear to have substantive concerns over the effect that retained trees could have on the quality and thus usability of outdoor areas that would be provided. It strikes me that the amount of outdoor space that would be provided would be more than sufficient to meet the needs of residents. I am mindful that it could be encumbered by retained trees but I return to a point I made earlier in respect of the fourth main issue and would conclude that, as a result of these factors, the proposed development in both

² Nationally Described Housing Standards 2015

cases would provide outdoor space of acceptable quality and usability that would comply with Policies 4 and 37 of the Local Plan. These policies seek to ensure that, amongst other things, new development (housing specifically) should provide sufficient external amenity space and respect the amenities of future occupiers.

Car Parking

32. This remains an issue for the Council in respect of appeal B only since it proposes no car parking. The evidence suggests that the appeal site is within an area with a PTAL³ rating of 5 which is high. Policy 30 of the Local Plan requires, in this situation, a minimum of 0.7 spaces and a maximum of 1 per 1-2 bed unit. This would yield a minimum requirement of 6.3 spaces. Or 6 as reasonably rounded. A zero provision would be some way off meeting this requirement. In this context, I am mindful of the noticeably high car ownership level in the area.
33. I note the requirements of the London Plan 2016 and its emerging replacement in regard to car parking provision, the latter currently not adopted. There is some flexibility suggested as well as different expectations dependent on the PTAL rating. To some extent, this flexibility and expectation is reflected in the Local Plan with Policy 30 suggesting a higher provision where there is a lower PTAL rating.
34. This being the case, I am not persuaded that I should depart from the requirements of the adopted development plan for the area which clearly requires some parking provision that appeal B would not meet irrespective of the PTAL rating being what it is. This is expressed as a minimum. The Council are correct in stating that there would be no reasonable controls they could exert to prevent people from owning a car which could displace parking to local streets which, according to the Council, already experience high levels of parking stress. Hence arguably the development plan requirements.
35. I am mindful again of the buyer beware principle but by virtue of the above factors I fail to be convinced that a zero provision for the proposed development would be appropriate.
36. It is therefore my conclusion on this main issue that the appeal scheme in respect of appeal B would not make sufficient provision for car parking. This has the potential to lead to on street parking in a high ownership and high stress area that could impact adversely on the safe use of the highway and the free flow of traffic. This would result in conflict with Policy 30 of the Local Plan which seeks to ensure that an acceptable level of car parking is provided for new development.

Other Matters

37. The proposed development in both cases would represent the redevelopment of a brownfield site which would naturally be a positive element of the schemes. However, and even attributing this substantial weight as per paragraph 118 (c) of the Framework⁴, I do not feel it would be sufficient alone against the multiple harms and conflicts with the development plan that would arise in the manner I have set them out. In any case, the Framework in this respect

³ Public Transport Accessibility Level

⁴ The National Planning Policy Framework 2019

speaks of 'suitable' brownfield land. For the reasons I have set out above, one could legitimately argue that the site would not be.

38. The schemes would also deliver housing but a limited number of units in the grand scheme and I am not aware of any specific undersupply thereof. There are also other areas of the schemes that would be acceptable (which include the third and fourth main issues) but these would represent a lack of harm in each case which accordingly could not be used to weigh against harm.

Conclusion

39. As I have alluded to above, the proposed development would not be harmful in respect of either protected trees or the living conditions of future occupiers. This would not however be sufficient to reduce that which would arise from the unacceptable loss of a community facility, the use of a sub standard access and a lack of car parking. Whilst having regard to all other matters raised which include those by local residents, it is for these reasons that both appeals are dismissed.

John Morrison

INSPECTOR