



Appeal Decision

Site visit made on 22 January 2020

by M Seaton DipTP MRTPI

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

Decision date: 06 April 2020

Appeal Ref: APP/G5180/W/19/3240271

3 Coppergate Close, Bromley, BR1 3JG

- 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 M Attia against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00674/FULL1, dated 11 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is described as enlarging the existing garage room by extending on the sides and conversion into a studio flat.
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Procedural Matter

1. I have been mindful in my decision-making that whilst the main parties have referred me to The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011, March 2016 (the London Plan), the *Draft London Plan – Consolidated Suggested Changes Version, July 2019* has subsequently been published along with further updates including details of the 'intention to publish' version of the draft London Plan of December 2019. Nevertheless, neither the Council nor the appellant has relied centrally upon the emerging policies in their submissions, and the emerging London Plan does not yet form part of the Development Plan.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the spatial pattern of development and the character and appearance of the area; and,
 - whether the proposal would make adequate provision for the living conditions of future occupiers, having regard to internal floor space, outlook and layout of development, and the availability of external amenity space.

Reasons

Character and appearance

4. The appeal site occupies a plot adjacent to a sharp bend in Coppergate Close near to where it connects with Hawes Road, and accommodates a two-storey dwelling with an existing outbuilding set within the rear garden. A private

driveway for 2 vehicles immediately abuts the existing outbuilding. The area is predominantly residential with the appeal site bounded to the North and East by the curtilages of existing dwellings. To the West on the opposite side of the road are the railway lines leading to Bromley North Station. It was apparent from my site visit that the existing outbuilding had already been converted and used as residential accommodation, albeit that the planning history indicates this to have been without the benefit of planning permission.

5. The Council has highlighted particular concern over the impact of the proposals on the spatial character and standards of the area having regard to the layout of the site, the resultant size of the plot, and the lack of a rear garden for the proposed unit.
6. The existing character of Coppergate Close is largely defined by the comparatively consistent design and form of the detached dwellings situated within the street, with separate garage blocks and private rear gardens.
7. With regards the visual impact of the proposed development, the enlargement of the existing outbuilding through extensions to both the East and West side elevations would provide a continuation of the profile and form of the existing roof, and would not result in an extension beyond the current North and South elevations. However, although the resultant building would be larger than the existing, its massing and form would neither appear as an obtrusive nor incongruous presence within the streetscene based on the current visual impact. I do accept that the insertion of a door in the front elevation would result in a further minor change to the appearance of the building, but do not consider that this would in itself be visually harmful.
8. I accept that the creation of a studio flat would be somewhat at odds with the established character and pattern of development within Coppergate Close. Nevertheless, its location adjacent to the infill development at No. 17a Hawes Road and the changing character of development beyond, hints at the occupation of a less central and more transitional position in the streetscene, and in relation to the prevailing character of Coppergate Close. I am not therefore persuaded that the proposed studio flat would result in an unacceptable erosion of the existing prevailing character of the street in this respect.
9. I have also had regard to the lack of an available private rear garden for the proposed flat and the contention that this would be a departure from the established spatial pattern of development. Whilst the provision of a studio flat without a private rear garden would not necessarily be unusual, in this instance and in the context of the area, the failure to make any such provision would not accord with the prevailing character where the availability of private garden space is an important characteristic. I am satisfied therefore that this would not amount to a high-quality layout of development in this respect.
10. With regards the contention over the potential for the use of the grassed amenity area in front of the building for domestic purposes, I find the absence of privacy or security to be a major factor weighing against the probability of this occurring. Given the location adjacent to the road, the possibility of future enclosure of the space would likely fall within planning control and would therefore be at the discretion of the Council, although it is indicated that such provision would not be characteristic of the area.

11. Turning to the impact of parking on the frontage, I note that a hardstanding for two parking spaces already exists in front of the building, and that this provision would remain. I also note that the ability to park along Coppergate Close is also restricted, and as such I do not consider that any intensification of the use of the site in parking terms is likely to result in an adverse impact on the character and appearance of the street through additional parking. However, I accept that it is possible that demand for additional on-street parking may occur within the wider area, albeit to a very limited degree.
12. For the reasons I have set out, whilst I am satisfied that the proposed development in terms of the physical alterations, the impact of an intensification of parking, and the introduction of a single studio flat would not result in an unacceptable impact on the spatial pattern of development and the character and appearance of the area, I find that the absence of any reasonable private garden space in this context weighs against the proposal. On this basis, I therefore find there to be some limited conflict overall with Policies 4 & 37 of the London Borough of Bromley Local Plan 2019 (the Local Plan) or Policy 7.4 of The London Plan, and Bromley's No.1 General Design Principles SPG. These policies and guidance seek to ensure that all new housing developments achieve a high standard of design and layout, respect local character and spatial standards, complement the qualities of surrounding areas, provide sufficient external, private amenity space that is accessible and practical, and provide healthy environments for future occupiers.

Living conditions

13. The Council has highlighted concerns over the quality of the proposed accommodation which would be available for future occupiers. These particularly relate to the adequacy of the internal floor space, the layout and design related to outlook and relationship with off-street parking, and the availability of external amenity space.
14. The proposed development indicates the provision of a studio flat which must be considered against the standards for self-contained accommodation. The studio flat is shown on the proposed plan as comprising a gross internal area (GIA) of 37.6 m² and making provision for a 1-bed 2-person (1b2p) unit. The gross internal area (GIA) has been assessed against the nationally described space standard (*DCLG: Technical housing standards - nationally described space standard 2015*), which sets out that the minimum GIA for a 1b2p unit would be 50m². Whilst I have had regard to the appellant's reference to an assessment of the proposal as a 1b1p unit being policy compliant in respect of GIA, it is quite clear from the plan submissions that this is not what has been proposed for the conversion.
15. In this instance, there is a substantial shortfall in the GIA for the proposed unit which would undoubtedly result in the living conditions of future occupiers of the studio unit being compromised through reduced space.
16. I have also carefully considered the concern regarding the single aspect of the proposed unit, with the sole window in the North elevation indicated to be obscurely glazed. In this regard, I note that the proposed studio flat would benefit from reasonable sized South-facing windows, and I see no reason why adequate daylight would not percolate through the unit. However, whilst the reliance on single aspect windows to the front elevation would not be ideal, I

am not persuaded that this alone would result in unacceptable living conditions for future occupiers.

17. It is inevitable that the use of the parking at the front of the property would have at least some effect on the accommodation by virtue of the potential for noise and disturbance from vehicular movements along with the impact of headlights during the hours of darkness. In this respect, I am mindful that such a relationship between parking areas and ground floor windows is not uncommon or without precedent within the wider area. However, any such impact would be unlikely to be more than momentary as the manoeuvring of a vehicle takes place and there is no reason to believe that any impact on living conditions would be any more than very limited and therefore of no overall significance.
18. Turning to the provision of external amenity space, I have had regard to the appellant's positive reference to the proposal not resulting in a loss of private garden space for the existing property at No. 3 Coppergate Close, which I accept. Nevertheless, I disagree with the appellant's emphasis on the lack of garden space provision as not being important or warranting a reason for refusal in its own right, as I have not been provided with any details as to the availability of alternative open space provision in the wider area.
19. I recognise the appellant has indicated that some limited space could be allocated to the studio flat to accord with Standard 26 of the Mayor of London Housing Supplementary Planning Guidance, March 2016 (The Housing SPG). However, no area has been identified for such a provision and it is not clear how in the context of the proposed layout of the unit access to garden land could be made without the need to use land to the front of the flat. Due to my conclusions on the effect on character and appearance of providing space to the front of the property, I am not satisfied that it would be appropriate to utilise a condition to secure future provision, and therefore the lack of any realistic provision of external amenity space would also weigh against the proposals.
20. Whilst I have not found there to be any harm to the living conditions of future occupiers due to the layout and design related to outlook and the relationship with off-street parking, I conclude that the shortfall in the GIA of the proposed unit, and the failure to provide for external private amenity space would result in an adverse living environment for future occupiers. The proposal would not therefore accord with Policies 4 & 37 of the Local Plan, Policy 3.5 of The London Plan, or the Housing SPG. These policies and guidance set minimum space standards for dwellings, ensure the provision of sufficient external, private amenity space that is accessible and practical, and seek to ensure that development respects the amenity of future occupiers.

Other Matters

21. The issue of car parking has been addressed in the context of the impact on the character and appearance of the area. However, I have had regard to the absence of any objection to the proposal from the Highway Authority, and also that the appeal site is located within an area with good public transport accessibility (PTAL 4), where a reduced level of off-street parking provision may be acceptable. In this instance, a single space would be provided for the studio flat as well as a space for the main house, with the Highway Authority satisfied with this ratio subject to ensuring that future occupiers are unable to

access residential parking permits for the adjoining Controlled Parking Zone (CPZ).

22. I see no reason to disagree with these conclusions in principle, but I am mindful that the Council has suggested the use of a condition in order to ensure that no resident of the development shall obtain a resident's parking permit within a CPZ. I note that car-free housing would normally be secured through a planning obligation. Whilst not directly suggested in this instance, the Planning Practice Guidance advises that only in exceptional circumstances, such as where a development may be particularly complex, should a negatively-worded condition requiring a planning obligation be entered into to the effect that the development would be car-free. No such obligation has been provided in this instance, and I see no basis upon which to regard the development as meeting the threshold of an exceptional circumstance. I therefore find this matter to have not been fully resolved between the parties, and to additionally weigh against the proposed development.

Planning Balance and Conclusion

23. The provision of an additional dwelling to the local housing market would be an undoubted social benefit of the proposed development, albeit given the quantum of development the weight to be attached would be very limited. The local economy would also have the potential to have some limited benefit during the construction period and through expenditure from future occupiers. I have also noted the relative accessibility of both local services and facilities in Bromley Town Centre.
24. However, I have found that the proposed development would result in some limited harm to the spatial character and pattern of the area, and that the living conditions of future occupiers would, because of the failure to achieve a minimum standard GIA and appropriate external amenity space, be significantly adversely affected. I find that this harm would outweigh the cumulative limited benefits of the proposed development, and that the proposal would not therefore accord with the Development Plan.
25. For the reasons as set out, the appeal is dismissed.

Martin Seaton

INSPECTOR