



Appeal Decision

Site visit made on 18 August 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/G5180/W/19/3243570 346 Crofton Road, Orpington BR6 8NN

- 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 Stuart Davis against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02699/FULL1, dated 24 May 2019, was refused by notice dated 8 November 2019.
 - The development proposed is Demolition of rear office building and creation of new three storey building to accommodate parking and residential units above with office space at ground floor and conversion of front building to residential accommodation at first and second floor level.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of rear office building and construction of three storey rear extension comprising extension to commercial unit and undercroft parking at ground floor level with 2 two bedroom flats above, and conversion of first and second floor of front building into 1 two bedroom flat in accordance with the terms of the application, Ref DC/19/02699/FULL1, dated 24 May 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of the proposal has been amended by the Council and described as; '*Demolition of rear office building and construction of three storey rear extension comprising extension to commercial unit and undercroft parking at ground floor level with 2 two bedroom flats above, and conversion of first and second floor of front building into 1 two bedroom flat*'. I concur that this accurately describes the proposal before me.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is part of a terrace of approximately six commercial premises on the north west side of Crofton Road where other short blocks of commercial units are located. The area is a local shopping parade. To the ground floor of the appeal site is an investment management and stockbrokers business with

offices above the unit. To the rear is a large two storey flat roofed office extension.

5. The rear of the site can be accessed via an unmade service back lane that leads behind the parade. The rear gardens of residential houses at Meadow Way backs onto the service lane. The site is located close to but outside the Farnborough Park Conservation Area (CA), characterised for its inter-war detached houses set in large plots and within a mature landscape.
6. There are no objections raised by the Council to the conversion of the upper floors above the office unit at the front, proposed to be converted into residential accommodation.
7. The rear flat roofed office extension would be demolished to erect a three storey extension attached to the main building by slightly lowering the ground floor level, with two parking spaces at ground floor and 2no. two bedroom flats above, built as a tiered arrangement with a balcony suspended above the parking area, and to the proposed flat within the third floor level.
8. The proposal would add significant bulk to the rear elevation as it would be larger in scale and mass than the existing office accommodation given it would extend close to all boundaries of the site and would be higher.
9. Whilst it would be taller than the adjacent modern extension at No 348 Crofton Road, this extension is a very large mass of development with limited architectural detail. It has an austere presence to it. The proposal would not appear cramped in its space as it shares a similar footprint relationship with this adjacent neighbour, as well as other extensions along the service lane that have by and large, built up to all boundaries.
10. There may be planning history for residential development at No 348, however this has not been implemented. Nevertheless, that proposal comprises a significant amount of development to the rear of the property. Although it may not be approved for three stories, I have nonetheless considered the proposal within the context of its wider environment.
11. This is demonstrated by the photographs submitted by the Council as there is considerable variation of extensions to the rear elevations behind the commercial units. They vary in scale, mass, design and overall appearance with no precise uniformity, and in various states of condition. Although this development would be set over three floors, there is nonetheless a considerable mass of development within this back lane location.
12. It includes other purpose built residential extensions and this is most obvious to the neighbouring site at the rear of 356 Crofton Road. It also includes undercroft parking, is broadly square in shape with a balcony that is suspended above the car parking space.
13. The proposal may be higher than other extensions that have been built, however the difference would be less noticeable within the area given the proposal is intended to be lowered into the ground to accommodate in-curtilage parking, it would be absorbed into the overall environment of differing masses and scales, without appearing as an incongruous or obtrusive feature in this location.

14. I also consider that the proposed use of an external terrace that creates some outdoor space at first and second floors has the effect of reducing the bulk of the development as well as the undercroft parking arrangement. It would not appear unduly prominent or out of context or character in this back lane location and would achieve a high standard of design and layout with acceptable materiality finish, and be of a broadly comparative scale to other development.
15. I have been provided with the Council's Adopted Supplementary Planning Guidance (SPG) General Design Principles and Residential Design Guidance. The proposal meets the aims of both SPG's as it would create a positive impact and relationship with existing buildings.
16. It would not conflict with the Bromley Local Development Framework Local Plan 2019 (BLP) Policy 37 for development to be of high standard of design and to complement scale, proportion, form layout and materials of adjacent buildings and areas. It would not run contrary to Policy 7.4 of the London Plan in its aims for development to have regard to local character in respect of, amongst other matters, scale and mass, and be of high quality design.

Other Matters

17. The density may be greater than the threshold of Policy 3.5 of the London Plan and I am aware of the National Planning Policy Framework's (the Framework) objectives to achieve appropriate densities. To my mind, the site makes efficient use of space, is located within close proximity to local amenities and public transport and other services and employment opportunities. Therefore I apply some flexibility to these density standards.
18. The appeal site is located close to the Farnborough Conservation Area (CA). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
19. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. The Framework also acknowledges the contribution made by the setting. Harm to or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting requires clear and convincing justification.
20. It could be argued that the setting of the CA is already compromised to an extent by some of the poor architectural quality that is currently in existence along the service lane. This proposal would provide a modern, high quality extension to the rear elevation. It may be large in scale, although this is taken in a context of the large scale mass of other developments adjacent. On this basis, the character and appearance of the CA would not be harmed. The number of additional residents that would occur as a consequence of the proposal would have no bearing on the character or appearance of the CA.

21. There is a timber boundary fence in place to the rear gardens of Meadow Way at approximately 1.7m running parallel to the service lane. Loss of privacy from overlooking of windows from the proposal has been brought to my attention as well as a previous Inspector's decision regarding their response to privacy issues at the site at 348 Crofton Road. At this site, overlooking was addressed by way of a condition for obscure glazing and external privacy screens.
22. The photographs submitted by the Council demonstrates the existing extension can be viewed from the rear of No's 10 and 12 Meadow Way and vice versa. The service lane also provides a standoff to the rear elevation of the proposal. There would not be a sense of overbearing as a result of the proposal due to the significant separation distance between.
23. Some overlooking would inevitably occur to the rear gardens of the closest dwellings at No 8 and No 10 Meadow Way. However, these are generously sized gardens with the dwelling located a considerable distance into the plot and away from the proposal. There would be no opportunity for direct loss of privacy to occur to the rear windows of either of these dwellings, or indeed those of No's 12 and 14 Meadow Way.
24. I do agree however that privacy screens should be fitted to the balcony projections at the site given the relationship with the rear gardens along Meadow Way and the potential to cause overlooking and loss of privacy. I note the appellant's willingness here.
25. It would not be reasonable to impose a condition requiring the appellant to obscurely glaze or have non-opening windows to this elevation as these habitable rooms would be served at first and second floor by glazed doors, and the only form of light and outlook from these habitable rooms.
26. On this basis I find no direct conflict with Policy 37 of the BLP or the Council's SPG Residential Design Guidance for development to protect the privacy and amenity of adjoining properties, or Policy 7.4 of the London Plan for development to contribute to enhanced character.
27. Light pollution would not be so significant as to cause harm to the living conditions of the local residents and issues of this proposal creating a precedent is noted, although each proposal should be determined on its own individual merits.
28. There are no objections raised by the council with respect to the in-curtilage parking spaces to be provided or that it would lead to increased levels of on-street parking stress, and I can find no reason to disagree.
29. There may be opportunity to overlook to and from both flats. It would be for future occupiers to decide if this arrangement was acceptable to them.
30. Works that have occurred at No 354 Crofton Road are not within my domain to comment upon.
31. An appeal has been brought to my attention by the Council¹ at Robins Court 77 Bromley Road. This proposal was in outline for a four storey block and two storey block. It is a different form of development to the appeal site before me. The character of the area is described by the Planning Inspector as 'pleasant,

¹ Appeal Ref: APP/G5180/W/19/3225411

open, spacious' with an 'open character'. This is not the same circumstances as the appeal site located within a back lane environment. The Inspector drew reference to it being out of character with the 'characteristic form of frontage development that prevails in the area'. The front elevation and rear elevations of the row of the appeal site before me are completely at odds with one another. I draw no direct comparison as a consequence.

32. Another appeal brought to my attention by the Council at 180-190 Maple Road² for second and third storey levels included extensions to the roof. The Inspector considered the extension to sit above the eaves level with the alteration to the roof to be harmful to the proportions of the original building. Its effects on living conditions is more acute than compared to the appeal before me as it would compromise the living conditions in a different relationship to this appeal. Again, I find no direct relevance to that appeal and the circumstances of the appeal before me.

Conditions

33. I have had sight of the Council's list of suggested conditions. In light of Paragraph 55 of the Framework I have imposed the following conditions for certainty; A time limit to implement the proposal, and to develop in accordance with the approved plans is required. The appellant agrees to a pre-commencement condition for the submission of materials to ensure the development has an acceptable finish, and I concur this is necessary.
34. A condition to agree the details of the privacy screening shall be agreed with the Council to ensure no undue loss of privacy occurs to neighbouring occupiers and this is necessary for the reasons set out earlier. Details of the surface water run off from the site is required via conditions to ensure an acceptable means to control surface water run-off is achieved on site. A construction management scheme condition is also required due to the restricted nature of the site and the close relationship with residential dwellings.
35. Car parking to support the site should be laid out in accordance with the approved plans prior to occupation in order to ensure there are no adverse highway safety implications of the proposal. Refuse storage implementation and retention is also conditioned as is necessary.

Conclusion

36. I have had regard to all matters before me and as a result of my findings, for the reasons given, the appeal is allowed.

Alison Scott

INSPECTOR

² Appeal Ref: APP/G5180/W/18/3212171

Schedule of Conditions

- 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 following approved reports and plans: Design & Access statement prepared by Arcadd, Motion Technical Note dated November 2017 re 348 Crofton Road, Motion Technical Note dated May 2019 re 346 Crofton Road.

Site location plan ref – 1901_P-P_(00)_01, Block plan ref – 1901_P-P_(00)_02, Existing ground floor plan ref – 1901_Ex-P_(01)_00, Existing first floor plan ref – 1901_EX-P_(01)_01, Existing second floor plan ref – 1901_EX-P_(01)02, Proposed ground floor plan ref – 1901_P-P_(02)00(A), Proposed first floor plan ref – 1901_P-P_(02)01, Proposed second floor plan ref – 1901_P-P_(02)02 Existing & proposed floor plans plan ref – 1901_P-P_(03)00, Existing front elevation plan ref – 1901_P-E_(04)00, Existing front elevation plan ref – 1901_EX-E_(04)01, Existing west (side) elevation plan ref – 1901_EX-E_(04)02, Existing east (side) elevation plan ref – 1901_EX-E_(04)03, Proposed front elevation plan ref – 1901_P-E_(05)00, Proposed rear elevation plan ref – 1901_P-E_(05)01, Proposed west (side) elevation plan ref – 1901_P-E_(05)02, Existing east (side) elevation plan ref – 1901_P-E_(05)03, Existing sections AA plan ref – 1901_EX-S_(06)00, Proposed sections AA plan ref – 1901_P-S_(07)00, Existing and proposed rear and west (side) elevations plan ref – 1901_P-E_(08)00.

- 3) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water.

- (d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved.
- 5)
 - (a) Surface water from private land shall not discharge on to the highway.
 - (b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.
 - (c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.
- 6) No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:-
 - (a) Dust mitigation and management measures
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Measures to reduce demolition and construction noise
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site as well as within the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works.
 - (v) Parking for operatives during construction period.
 - (vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation
 - (f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis
 - (g) The development shall be undertaken in full accordance with the details approved under Parts a-f
- 7) Details of the means of privacy screening for all balconies shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony being brought into use and permanently retained as such.

- 8) Before commencement of the occupation of the building hereby permitted, parking spaces shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not, shall be carried out on the land indicated or in such a position as to preclude vehicular access to the said land.
- 9) The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the drawings hereby approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

END OF SCHEDULE