



Appeal Decision

Site visit made on 19 April 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021.

Appeal Ref: APP/G5180/W/20/3262514

431 Croydon Road, Beckenham, BR3 3PP

- 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 Roger Conway (Hedley Investments Ltd) against the decision of London Borough of Bromley Council.
 - The application Ref DC/20/01114/FULL1 dated 23 March 2020, was refused by notice dated 19 August 2020.
 - The development proposed is demolition of existing outbuildings and construction of rear infill extension to create additional retail floor space (Use Class A1) and the provision of one additional residential unit (Use Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuildings and construction of rear infill extension to create additional retail floor space (Use Class A1) and the provision of one additional residential unit (Use Class C3) at 431 Croydon Road, Beckenham, BR3 3PP in accordance with the terms of the application ref: DC/20/01114/FULL1, dated 23 March 2020, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision;
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: location plan P252_LP, proposed floor/roof plans P252_GA_01 and P261_GA_02, proposed rear elevation and section P261_GA_05, proposed sections P261_GA_06, proposed street elevation P261_GA_03 and proposed street elevation P261_GA_04 unless previously agreed in writing by the Local Planning Authority;
 - 3) The materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building;
 - 4) Before the development hereby permitted is first occupied the proposed window(s) in the rear roof slope shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window(s) shall subsequently be permanently retained in accordance with such;
- 5) a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works;

- (b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter;
- 6) (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 a drainage hierarchy 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;
- 7) The application site is located within an Air Quality Management Area declared for NO_x: In order to minimise the impact of the development on local air quality and gas boilers must meet a dry NO_x emission rate of <40mg/kWh;
- 8) The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such and the footway/verge reinstated as appropriate.

Procedural Matters

2. Since the determination of this appeal there have been changes to Use Classes applicable from 1 September 2020. Use Class A1 has been revoked and effectively replaced with the new Class E with retail now standing within Use Class E(a). For any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted shall be used to determine the application. Other than being a change of classification this does not otherwise impact upon the determination of this appeal but is, none the less, noted for completeness. Use Class C3 is not affected by the 1 September 2020 changes.
3. The appellant's description of the proposal (on the original application form) refers to the proposal as providing additional residential floor space. I find that the proposal does create an additional residential unit (flat 3 on the submitted plans) according to the plans before me. I have therefore utilised the Council's

description of the proposal, as on the decision notice, as I find that it more concisely describes the proposed development.

4. Since the determination of this application the London Plan 2021 (a Replacement Plan) has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to within the refusal reason are no longer in force. The draft London Plan (intend to publish) is clearly referred to within both party's submissions. It is therefore considered that all parties have had sufficient opportunity to consider the impact of the then emerging London Plan policies upon this proposal.

Main Issues

5. The main issues are i) the impact of the proposal upon the character and appearance of the streetscene and Beckenham Town Centre Conservation Area and ii) the impact of the proposal upon the residential amenity of future occupiers.

Reasons

Character, Appearance and the Beckenham Town Centre Conservation Area

6. The appeal site is a three storey, late Victorian end of terrace, building standing in a corner plot between Croydon Road and Faversham Road. The site is in mixed use with a commercial unit at ground floor level and two flats at first and second floor level. The area immediately around the appeal site is a mix of commercial and residential property.
7. It is noted that the Beckenham Town Centre Conservation Area (CA) boundary runs through the appeal site – the main building and a small proportion of the rear courtyard fall within the CA but the rear most outbuilding of the appeal site is just outside of the CA. The refusal reason is based upon the proposal stated as being an intrusive and bulky addition at odds with the pattern of wider development, harmful to the spatial qualities, character and appearance of the street scene and CA. I do not find the proposal would impact upon the features of the host building itself which are identified by the Conservation Officer.
8. When stood in Faversham Road there are views, between the existing buildings at 431 Croydon Road and 1 Faversham Road, of the rear of the row of buildings along Croydon Road which curve around to the roundabout to the North East. Notwithstanding this I find that the modern additions, particularly in the form of steel flues and other paraphernalia, have eroded the character and quality of the rear of these buildings. I find the public views are limited from Faversham Road only and I have no evidence to support that the proposal would lead to enforced enclosure as claimed nor that such views can be justified as needing to be preserved.
9. The existing outbuilding within the appeal site is single storey and I find that it has neutral impact upon the street scene and general appearance of the area due to the roof being only a little higher than the boundary wall. The proposal, for the infill extension, would be larger than the existing outbuilding on site in terms of both height and overall footprint but given that 431 Croydon Road is a three-storey building I find it would be subservient in scale to the host building.

10. The proposed street elevation (Faversham Road) shows the extension would match the height of the adjacent properties along Faversham Road. When viewed in the context of the scale and massing of the surrounding properties I do not find the proposal to be bulky or intrusive. In addition I find that it would bring the building line back level with 1 Faversham Road and, given the existing building on site, I do not find the proposal would have a negative impact upon the pattern of development, it would continue that of Faversham Road.
11. The proposal would infill an existing gap in development which, as discussed in paragraph 8 above, would impact upon the views through the site. The space between the rear of the three-storey host building and smaller properties on Faversham Road is noted, however, I find the appeal proposal would still allow a clear change between larger commercial frontage along Croydon Road and the smaller scale properties to be appreciated as a result of the delineation in height. I find the current changes in height between the host building, existing outbuilding and 1 Faversham Road to be more abrupt compared to the appeal proposal which I find provides a better transition yet maintains the dominance of the host building. I do not find the proposal presents as intrusive or harmful to the spatial qualities of the area.
12. The Council raise concern with the roof lights and windows, however, they do not evidence or explain their conclusions based upon the pervasive character of the CA. The window sizes in the host property and those in the immediate vicinity are varied and I do not find an issue with the windows as proposed. In relation to the roof lights given that they would not be readily visible from the street scene itself I find that their impact upon the appearance of the area would be limited. There are examples of rooflights within the area, along Faversham Road, thus I find they would not be out of character for the area.
13. The appellant has submitted a Historic Environment Opinion in the form of a heritage statement and a response to the Council's assessment¹. The latter provides very specific responses to the Conservation Officer comments. The response, as summarised within the appellant's statement of case across pages 22 – 23 inclusive, concludes that there is no heritage harm. Based upon the evidence before me, and what I have seen at the time of my site visit, I find there would be no heritage harm and find that the proposal would positively contribute to the edge of the CA compared to the existing site.
14. The proposal would be consistent with Bromley Local Plan 2019 (LP) Policy 4 which requires developments to achieve a high standard of design and layout and compliment the qualities of the surrounding areas and LP Policy 37 which requires proposals to complement the scale, proportion, form, layout and materials of adjacent buildings and areas and positively contribute to the existing street scene and respect heritage assets.
15. The proposal would also be consistent with LP Policy 41 which requires proposals to preserve and enhance the characteristics and appearance of the CA by respecting or complementing the layout, scale, form and materials of existing buildings and spaces and LP Policy 42 that requires development proposals to preserve or enhance its setting and not detract from views into or out of the area.

¹ Geoff Noble 16 June 2020

Residential Amenity

16. Standard 24 of the Mayor's Housing Supplementary Planning Guidance 2016 (SPG) is clear in its requirement for all new dwellings to meet the Nationally Described Housing Standards 2015 (NDSS). I note the appellant's submissions regarding approved schemes where double beds have been shown in 1-bedroom, 1-person, units within appendices C to G inclusive. The appendices include full details of the applications referred to including decision notices, delegated reports and plans which allows them to be attributed substantial weight.
17. The Council have not evidenced why a different approach should be applicable in the case of this appeal. Notwithstanding the fact that each case should be considered on its own merits, whilst there have been policy changes since some of these decisions, the applications before me are consistent in their requirement to meet the standards set out within the NDSS as well as the previous approach applied by the Council on several occasions.
18. The proposed first floor plan confirms that the Gross Internal Area (GIA) for proposed flat 3 is 39.6 sq./m, with a shower room, with the proposed sections showing a bedroom provided by a mezzanine. I am satisfied that the bedroom space, at 9.5 sq./m could be considered as a single bed space, as required by the NDSS, given that a double bedspace would need to demonstrate 11.5 sq./m. The NDSS does not, in table 1, specify differences in GIA between one or two storeys for 1-bedroom, 1-person units (as it specifically does with 1-bedroom, 2-person units). A 1-bedroom, 1-person, unit should have a GIA of 39 sq./m (37 sq./m where a shower room is provided). Flat 3 would be consistent with this.
19. As a result of the proposal there would be a reduction in GIA for existing flat 1 from 43 sq./m to 40 sq./m which would be to provide access to flat 3. The proposal, with a 9 sq./m bedroom, is submitted as a 1-bedroom, 1-person, unit which with a bathroom is required to demonstrate a GIA of 39 sq./m. Flat 1 would be consistent with the requirements of the NDSS at 40 sq./m. I note that the Council contend that the GIA would be circa 38 sq./m. Even if this were the case, the space removed would be from the existing bathroom of flat 1 with no other rooms (kitchen, living room or bedroom) needing to be altered. Based upon these facts I do not find that a shortfall of 1 sq./m would be sufficient to warrant refusal given the existing unit being largely unaltered.
20. Based on the evidence before me I find that both proposed flat 3, and reconfigured flat 1, would meet the acceptable minimum internal space standards set out within the NDSS as required by standard 24 of the SPG and would not be detrimental to the residential amenities of future occupiers. No amenity space is proposed but the unit is stated by the Council to be less than a five minute walk to Croydon Recreation Ground which, given the site constraints, is considered to be acceptable. I have no reason to conclude differently on this element.
21. The proposal would be consistent with LP Policy 4 which requires housing developments to achieve a high standard of design and meet minimum space standards and LP Policy 37 which requires development proposals to respect the amenity of future occupants, providing healthy environments.

Other Matters

22. The Council's submissions state that they are unable to demonstrate a five year housing land supply (5YHLS). In the absence of a 5YHLS applications should be determined in accordance with paragraph 11 d) ii) of the National Planning Policy Framework 2019 (the Framework) planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. Despite this, as outlined within this decision letter, I have found that the proposal to be consistent with the Local Plan and relevant material considerations as outlined above. There is, therefore, no reason to consider the proposal further in the context of a planning balance.

Conditions

24. The Council have provided, with their statement, suggested conditions should this appeal be allowed. The appellant has been given further opportunity to comment, without prejudice to the determination of the appeal, on the conditions suggested – most specifically acceptance of the drainage condition which is essentially a pre-commencement condition.
25. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required in order to control and define the development which is granted consent. A condition requiring the materials to match the host building is required to ensure a satisfactory finish. A condition relating to windows on the rear roof slope is required to protect amenities of nearby residential properties.
26. A drainage condition is attached to ensure an appropriate scheme for the proposal – the timings of this condition are necessary due to the early stage at which such details would need to be constructed on site. A condition relating to cycle parking is to ensure that future occupants have access to a range of sustainable transport modes and a condition relating to gas boilers is required to positive assist with Air Quality due to the appeal site's location within an Air Quality Management Area. A condition requiring reinstatement of the access is required in the interest of pedestrian and highway safety.

Conclusion

27. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR