



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: 05 May 2021.

Appeal Ref: APP/G5180/W/20/3263361
111 Maple Road, Penge, London, SE20 8LP

- 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 Kashka Ray against the decision of London Borough of Bromley Council.
 - The application Ref DC/20/01144/FULL1 dated 24 March 2020, was refused by notice dated 29 October 2020.
 - The development proposed is conversion of four self contained studio flats into four self contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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and, therefore, the London Plan 2016 policy that is referred to within the refusal reason and the submissions is no longer in force. The London Plan (intend to publish) was clearly referenced within the Council's delegated report. Given the nature of the refusal reason, the main issue and the other documents upon which the refusal reason is based it is not considered, on this occasion, that the publication of the new London Plan directly changes the assessment of this appeal.

Main Issue

3. The main issue is the impact of the proposal upon the residential amenity of future occupants with regard to unit size, outlook and light.

Reasons

4. The appeal site is a mid-terraced property and is located within a stretch of Maple Road which mainly comprises commercial units with residential accommodation above. The site has quite extensive planning history as outlined within the Council's submissions. In 2014 consent was granted for change of use of ground floor to residential (studio apartment) and continued use of upper floors as 3 self-contained studio flats, retention of three storey rear extension and elevational alterations¹.
5. As the development description states and the planning history confirms, there are already four units of residential accommodation (studio flats) at the appeal

¹ DC/14/03647/FULL1

- site. At the time of my site visit I entered both the ground floor unit and that of no. 2 (second floor unit). Despite ringing the buzzer there was no answer at the other units, however, the layout of units 1 – 3 (inclusive) (first, second and third floors) are broadly similar as can be seen from the plans.
6. No external alterations are proposed. A comparison of the existing drawings (unreferenced) and proposed plans (drawing no. 101) show that conversion into four one-bedroom units would be as a result of construction of internal walls to create separate bedrooms in each unit respectively i.e. it is a reconfiguration of the existing accommodation.
 7. I found that the ground floor unit, due to its depth, created space which was very dark to the rear (utilised as bd space at the time of my visit). The lightest space was to the front by the windows (utilised as living space at the time of my visit). Whilst the ground floor area may meet the space requirements set out in the Technical housing standards – nationally described space standard 2015 (NDSS) I find that the creation of a bedroom as proposed would significantly reduce light levels into the remainder of the living space which would subsequently be served by one small window at one end of the kitchen. The window in question is also fitted with frosted glass, presumably due to its location on Maple Road between neighbouring shops, to maintain a level of privacy. This would, in turn, provide both poor outlook and restricted light as a result of the plan depth.
 8. The first and second floor units benefit from two windows to the front elevation and one to the rear. The creation of the bedroom as proposed would mean the bedrooms have two windows and the living spaces, of limited depth, would still be left with a single window. I find that the reconfiguration of the first and second floor units would result in occupants having an acceptable level residential amenity in terms of outlook and light.
 9. The third floor unit has no windows on the front elevation and is served only by skylights and a single window to the rear elevation. Reconfiguration would likely result in an acceptable level of light due to the four skylights, shown on the plans, which would serve the bedroom and the skylight and window which would serve the living space. The bedroom would not, however, have any windows which would result no outlook.
 10. I note that both parties concur that the existing units fail to meet the space requirements as outlined within the NDSS. The standard deals with internal space within new dwellings. The proposal seeks to reconfigure existing dwellings and are not new dwellings in the traditional sense. In this case I do not find it appropriate to base refusal upon compliance with NDSS given that the floor area of the existing units would, overall, remain the same and that the existing residential units do benefit from planning consent as outlined above. The NDSS does not imply actual occupancy and the reconfiguration would not change the level, or potential level, of occupants.
 11. The Mayor's Housing Supplementary Planning Guidance 2016 (SPG) does advocate dual aspect dwellings: however, this would only be the case for two out of the four units proposed. Regardless of whether or not the accommodation is capable of accommodating household furniture and appliances this does not outweigh the issues that I find in relation to light and outlook for the ground floor and third floor units respectively. I do not find that the reconfiguration would enhance the standard or quality of the existing

residential accommodation in terms of natural daylight and ventilation. The proposal would result in poor outlook and restricted light as outlined, for the ground floor and third floor units.

12. The proposal would be contrary to Bromley Local Plan 2019 Policy 37 which requires development proposals to respect the amenity of future occupants, providing healthy environments and ensuring they are not harmed by inadequate daylight or sunlight. The proposal, in relation to the ground floor unit specifically, would also be contrary to standard 32 of the SPG which requires that living areas and kitchen dining spaces should preferably receive direct sunlight.

Other Matters

13. The proposal is not one which seeks to be assessed under a planning balance. The starting point for determination is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. Even if this was a planning balance assessment I have found harm to the residential amenities of future occupiers and I do not have evidence, nor any special circumstances, before me to support a departure from the Local Plan and relevant material considerations.
14. The National Planning Policy Framework 2019 does actively promote sustainable development, however, the issues I have found with regard to residential amenity would fail to fulfil the social dimension of sustainable development as a result of failing to create a high quality built environment. There are no economic or environmental benefits as a result of reconfiguration of existing units and the proposal does not replace poor design with better design in this case.
15. The Council's delegated report summarises representations received during the application consultation; however, I do not appear to have copies before me. In any case I have no evidence before me to suggest that the proposal would have resulted in dumping rubbish or unsocial behaviour. The appellant's ownership of the site and previous conversions are not within the scope of this appeal which falls to be assessed on its own merits.

Conclusion

16. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR