



Appeal Decision

Site visit made on 12 May 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2021

Appeal Ref: APP/G5180/W/20/3262052

247 Beaconsfield Road, Mottingham, London, SE9 4EE

- 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 Ms Stella Weng against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/02691/FULL1, dated 20 July 2020, was refused by notice dated 14 October 2020.
 - The development proposed is for ground floor rear extension and conversion to 3 studio and 1 x 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development upon the character of the area with reference to density;
 - Whether the development provides satisfactory living conditions for the occupiers; and
 - The effect of the development upon the living conditions of neighbouring residential occupiers

Procedural Matters

3. Subsequent to Bromley Council's (the Council) refusal of the application Ref DC/20/02691/FULL1, the Mayor of London has adopted a new London Plan. Therefore, in line with Planning Practice Guidance, my consideration of the issues of this appeal has been on the basis of the National Planning Policy Framework (the Framework), the policies of the Bromley Local Plan (2019) (the Local Plan) and the London Plan (2021) (the London Plan). Both the Council and the appellant have confirmed that this is not prejudicial to their respective cases.

Reasons

Character

4. The appeal property is an end of terrace building, occupying a corner plot, located adjacent to a small open green at the junction of Beaconsfield Road

with Framlingham Crescent. The area is predominantly characterised by blocks of densely developed red brick terraced properties, set back from the road, with grassed areas and with some parking to the front.

5. The appeal property has been previously extended to the side and subdivided to accommodate a 1 bedroom flat at ground level and a 2 bedroom split level flat at first floor and roof level. The proposal is to further extend the appeal property at ground floor level to the rear and subdivide the property to provide 2 studio flats at ground level, a 1 bedroom flat at first floor level and a studio flat at roof level.
6. From the public realm, the local area has a relatively spacious feel, mainly due to the open greens at the road junctions and the grassed fronts to the residential properties. However, when the rear of the terrace, of which the appeal property forms part, is viewed from Castlecombe Road the narrow width of the individual terraced properties and the high density of development of this residential area is more apparent.
7. Given the densely developed character and fully occupied nature of the local area and appeal site, I do not find that the appeal site constitutes intrinsically under-utilised land and buildings. Further, the appropriate density of a site should be arrived at through a design-led approach, taking account of the site context and capacity. The appropriate density of a site is therefore an output of a process of assessment, rather than an input.
8. Due to its corner location and its proximity to the neighbouring end of terrace property that faces on to Framlington Crescent, the appeal property's rear garden is triangular in form and limited in size. In this context, the proposed 5 metre wide by 4.8 metre deep extension and its proximity to neighbouring properties would significantly reduce the existing amount of open land at ground floor level on the appeal plot and would provide an increase in density. The proposed development would not, therefore, reflect the established pattern and density of development in the local area.
9. For these reasons, I find that, although the proposed rear extension would only be slightly visible from the public realm from Castlecombe Road, it would appear and be experienced, by its occupiers and those of neighbouring properties as a cramped form of development, out of keeping with the area's established density and character.

Living Conditions of Occupiers

10. The council have raised concerns regarding the amount of daylight that would be available to the suggested dining area in the proposed kitchen in Flat B, a ground floor studio. However, I find that, when the amount of daylight available in the separate living and bedroom is taken into account, the availability of daylight to this space would not be so limited for it to be detrimental to the overall living condition to the occupiers.
11. Of the proposed dwellings, only Flats A, B and C would have a dedicated garden/amenity spaces located to the rear and side of the appeal property. Given the small amount of available external space on the appeal plot that would remain after the development of the proposed extension, the three proposed garden/amenity spaces would be of very limited size, and due to their

triangular shape, would be limited in their ability to provide the degree of amenity suggested by floorspace figures alone.

12. The garden space for Flat C, a proposed 1 bedroom flat located at first floor level, would be directly overlooked by the large window to the main living space to Flat B, one of the two studio flats proposed at ground level. Given the limited size of the amenity space and its proximity to this flat, this would not only result in a degree of overlooking of this amenity space that would be excessive, it would also result in overlooking from the amenity space into the flat that would likewise be excessive. This limited size and proximity would also lead to the potential for noise from the garden, which would be experienced by the occupiers of Flat B as intrusive, even when in normal domestic use.
13. Flat D would be located in the dormer and roof space of the appeal property and would have no dedicated private exterior amenity space. Due to the overlooking from the street and neighbouring properties, the grassed area at the front of the appeal property and the adjacent open green would not provide a suitable alternative. The proposal does not, therefore, provide sufficient or suitable amenity space for the occupiers of a flat of the limited size proposed, thereby resulting in substandard accommodation for its future occupiers.

Living Conditions of Neighbouring Residential Occupiers

14. The proposed rear extension would be adjacent to the boundary of the appeal site with the neighbouring terraced house at 249 Beaconsfield Road (No.249) and would be positioned in close proximity to the ground floor window in its main rear elevation.
15. No.249 has been the subject of a small single storey rear extension that has a window and glazed door forming the rear access to this dwelling and that would face on to the side of the proposed extension. Given the rearward depth and positioning of the proposed extension, which would be in close proximity to the main rear window of this property, the height and scale of the proposed extension would result in a degree of enclosure that would be experienced as overbearing and intrusive, from both the garden and rear rooms by the residential occupiers of No.249. This would have a significantly greater effect in this regard than the existing short stretch of taller fence between this neighbouring dwelling and the appeal property.
16. Further, the height and proximity of the 4.8 metre flank wall of the proposed extension to the east facing rear window in the main elevation of No.249, would result in a substantial overshadowing that would result in a loss of daylight to the living space served by this window, particularly during the winter months.
17. The appellant has drawn my attention to other appeals and permissions for extensions and subdivision of properties to create additional dwellings, including the appeal property¹. Whilst these relate to developments that are similar to the appeal proposal, these would have been considered on their own merits, and I have, likewise, done the same with the appeal proposal.
18. The appellant has put forward the argument that, under other circumstances and sequences of development, the proposed extension and subdivision would constitute permitted development as set out in the General Permitted

¹ Appeal Ref: APP/G5180/W/16/3150583

Development Order (the GPDO). However, as the appeal property is as existing and the development would be as currently proposed, the provisions of the GPDO do not apply. I have therefore afforded this little weight in my considerations.

19. For the reasons given, I find that the proposed development would result in moderate harm to the character of the local area, significant harm to the living conditions of its occupiers and significant harm to the living conditions of neighbouring residential occupiers at No.249. This would be contrary to Policies 4 and 37 of the Local Plan and Policies D3 and D6 of the London Plan, which seek, amongst other matters, housing development to be well designed, of suitable density that respects local character, have sufficient private outdoor space, do not result in substandard accommodation and result in no unacceptable impact on residential amenity of occupiers of neighbouring buildings and those of future occupants.

20. Planning Balance and Conclusion

21. Paragraph 11d, footnote 7 of the Framework states that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the LPA cannot demonstrate a 5 year supply of deliverable housing sites), 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.
22. When this is the case, and as this appeal relates to the provision of housing, the need for the proposal to be considered against paragraph 11d is triggered. However, although the proposal must be determined within the context of paragraph 11d, I consider the Local Plan and London Plan policies to be a material consideration within this decision, which carry full weight in so far as they conform to the Framework, along with the relevant policies of the London Plan. Policies 4 and 37 of the Local Plan and Policies D3 and D6 of the London Plan, which are the most relevant to this appeal, are consistent with Section 11 and 12 of the Framework, which seek to achieve development of appropriate density, well-designed places and a high standard of amenity for existing and future users.
23. According to the Government's Housing Delivery Test 2020 the Council has a significant projected housing shortfall on that required. The Council's projected housing shortfall is also below that identified in the London Plan (2021).
24. As I have identified above, the appellant has not submitted material that would justify the significant harm to the character and appearance of the local area, contrary to Local Plan Policies 4 and 37 as well as London Plan Policies D3 and D6. In light of the Council's housing land supply position, paragraph 213 of the Framework makes it clear that weight should be given to existing development policies according to their degree of consistency with the Framework. Section 11 and 12 of the Framework recognise that development should achieve appropriate densities, be sympathetic to local character, accommodate and sustain an appropriate amount of development on its site and promote health and well-being with a high standard of amenity for existing and future users.
25. Even taking account of the objective of significantly boosting the supply of homes and the Council's supply position, the conflict between the proposal and

the relevant parts of Policies 4 and 37 of the Local Plan and Policy D3 and D6 of the London Plan should be given significant weight in this appeal.

26. Set against the harm identified there would be social and economic benefits associated with the development. The appeal site is small in terms of its ability to provide housing, and the proposal would provide 4 dwellings in place of the existing 2 dwellings. Although a small contribution to the overall housing target for the London Borough of Bromley, small housing schemes do collectively make a major contribution to the number of new residential units, as further recognised in Policies H2 of the London Plan, which seek to increase the supply of housing on small sites, and I have given this significant weight in my considerations.
27. The proposal would also generate employment opportunities during its construction and through the employment of local services for its upkeep and maintenance when occupied. In connection with the additional dwellings proposed, these benefits attract modest weight in favour of the proposed development.
28. Consequently, I conclude that the harm to the character of the local area, the living conditions of its occupiers and the living conditions of neighbouring residential occupiers that I have identified, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
29. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR