
Appeal Decision

Site Visit made on 11 October 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

Appeal Ref: APP/G5180/W/21/3272874

Garages rear of 63 Havelock Road, Bromley, BR2 9NY

- 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 Charles Moseley against the decision of London Borough of Bromley.
 - The application Ref DC/20/05139/FULL1, dated 16 December 2020, was refused by notice dated 22 March 2021.
 - The development proposed is the demolition of existing garage and construction of new two bedroom house with private amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions.

Main Issues

3. The main issues raised are:
 - i) the effect of the proposal on the character and appearance of the area,
 - ii) whether future occupiers would experience satisfactory living conditions, with particular regard to internal floor to ceiling heights, and
 - iii) the effect of the proposal on the living conditions of the occupiers of 63 and 65 Havelock Road, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises an existing single storey garage building located to the rear of an end of terrace dwelling. The development in the surrounding area is generally characterised by terraced properties fronting the road. The appeal site is located along a road secondary to the principal housing lined roads and the existing building is clearly a subservient structure to the two-storey dwellings in the locale.
5. Along other similar secondary roads in the area, buildings are generally confined to comparable, subservient, and modest buildings such as garages. Furthermore, the road along which the site is located provides an open

approach to the recreation ground nearby and there is an appreciable spaciousness to this area, to the rear of the more substantial two-storey terraced properties.

6. The appeal scheme would see the height of built development extending higher than that of the existing garage, in order to accommodate a second storey of accommodation in the new building. While the increased height would not extend over the entire extent of the proposed ground floor, it would nonetheless increase the bulk of development that is visible from the front of the site. The inclusion of high glazed screening to the rear roof terrace would also increase the bulk and massing of the visual effect of the proposal. Along this secondary road, the introduction of the proposed building would appear as an incongruous, imposing and overly dominant feature, that would be at odds with the open character and low-level development at this location.
7. That there is a downward gradient along the road to the recreation area would not ameliorate this impact. Additionally, the use of a green roof would not generally be visible from the road and would therefore have little effect in aiding the proposal to assimilate into the existing townscape.
8. Accordingly, I find that the proposal would be harmful to the character and appearance of the area. Thus, it would conflict with policies 4 and 37 of the Bromley Local Plan (2019) (the Local Plan). Together, and amongst other things, these policies seek to ensure that new housing enhances the quality of a local place as well as that development should positively contribute to a streetscene.
9. I note reference to policy 8 of the Local Plan which requires that a minimum of 1 metre be retained from the side boundaries of sites. However, as the proposal would replace a building within the same footprint, I find that the proposal would not be inappropriately close to site boundaries. Policy 6 is referred to. However, this relates to residential extensions, as the existing building is proposed to be demolished and a new one built, this policy is not directly relevant to the appeal scheme.

Living conditions – future occupiers

10. Policy 4 of the Local Plan seeks to ensure that all new housing achieves a high standard of design and this includes requiring development to meet the minimum space standards of the London Plan, as updated. Since the submission of the planning application to the Council, a new London Plan has been adopted and policy D6 thereof states that the minimum floor to ceiling heights of new housing should be 2.5 metres for at least 75% of the gross internal area.
11. The submitted details show that the floor to ceiling heights for both the ground and first floors would be 2.3 metres. This falls short of the standard required and thus future occupiers would not experience satisfactory living conditions, with particular regard to internal floor to ceiling heights. Consequently, the proposal conflicts with policy 4 of the Local Plan and policy D6 of the London Plan.
12. I note comments that given that the planning application was submitted when the previous London Plan was in effect that regard should be had to the standard contained within that document. However, I am required to have

regard to adopted policy in force at the time of my decision. As such, I must have regard to the currently adopted standards, as I have above. I also acknowledge comments over the rationale for seeking a lower floor to ceiling height, however this does not dissuade me from finding that the proposed height is substandard.

Living conditions – neighbouring occupiers

13. The new building would be positioned directly to the rear of 63 Havelock Road (No 63) and in the garden adjacent to 65 Havelock Road (No 65). While the scheme would introduce an additional storey, above the height of the existing garage, it would be located such that an appropriate separation would remain between the proposal and the existing properties. The new building would not dominate the outlook for occupiers of these properties. In respect of No 63, the scheme would change the outlook of occupiers, however this would be at the end of the garden area, views would remain out of No 63's garden to both sides. Furthermore, in respect of No 65, views would remain to the end of the garden and to the side, with the new building being located in the neighbouring garden.
14. Therefore, the scheme would not result in any loss of outlook that would bring about unacceptable living conditions for the occupiers of 63 and 65 Havelock Road, with particular regard to outlook. Thus, in this respect, the scheme accords with policy 37 of the Local Plan, insofar as it seeks to ensure that the amenity of the occupiers of neighbouring buildings is respected.

Planning Balance

15. The Council is currently not able to demonstrate a five-years supply of deliverable housing sites. As such, the presumption in favour of sustainable development, as envisaged by paragraph 11 of the Framework is engaged.
16. The scheme would contribute only a single dwelling to the supply of housing in the district. The economic and social benefits associated with the construction and occupation of a single dwelling would not be substantial. Thus, I find that these matters carry little weight in favour of the proposal. The appellants assert that the scheme would use brownfield land, this matter would weigh in favour of the scheme, but carries little weight also.
17. Having given careful consideration to the balance of factors, I find that the harm that I have identified to the character and appearance of the area, together with the substandard living conditions for future occupiers, would significantly and demonstrably outweigh the limited benefits that would accrue. Thus, the appeal scheme does not benefit from the presumption in favour of sustainable development. It is therefore not indicated that a decision should be taken other than in accordance with the development plan.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR

