



Appeal Decision

Site visit made on 13 October 2021

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/G5180/3268869

Office, 13 Carpenters Court, 4A Lewes Road, Bromley BR1 2RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Colin Harrison against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/04274/RESPA, dated 18 November 2020, was refused by notice dated 9 February 2021.
 - The development proposed is change of use of Class B1(a) office to Class C3 residential to form 1 x 1 bedroom unit on the first floor.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Schedule 2, Part 3, Class O, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for change of use of Class B1(a) office to Class C3 residential to form 1 x 1 bedroom unit on the first floor at Office, 13 Carpenters Court, 4A Lewes Road, Bromley BR1 2RN in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph O.2 (1) of the GPDO. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph O.2 (2) of the GPDO, together with the following conditions:
 - 1) Before the development is first occupied, covered bicycle parking and arrangements for the storage of refuse and recyclable materials, shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained thereafter.
 - 2) Before any part of the development hereby permitted is first occupied, details of the extent of any obscure glazing and openings to windows facing Lewes Road and Beechfield Road shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be permanently retained thereafter in accordance with the approved details.

Preliminary Matters

2. The description of development is taken from the decision notice; this describes the nature of the proposal more succinctly than that on the application form.

3. I have no reason to disagree with the Council's findings that the proposal would be permitted development considering the limitations in Paragraph O.1 of the GPDO. In relation to the conditions set out in Paragraph O.2 of the GPDO, the Council's only concern relates to (e) provision of adequate natural light in all habitable rooms of the dwellinghouse.

Main Issue

4. The main issue is whether the flat would have adequate natural lighting.

Reasons

5. Carpenters Court is an L-shaped two storey building that wraps around the rear gardens of terraced houses fronting Lewes Road. It has previously been used as offices which have now been converted to 13 flats, apart from the remaining former manager's office the subject of this appeal. Access to the proposed flat would be via an internal staircase at the western end of a central courtyard.
6. The flat would have two habitable rooms. The larger would form a lounge and kitchen / diner; the smaller would be a bedroom. Both rooms are currently dual aspect with large front east facing and rear west facing windows, 1300mm by 800mm, according to the appellant's measurements. Having corroborated the approximate size and siting of these windows at my site visit, I am satisfied that both habitable rooms would benefit from adequate natural light.
7. The natural lighting would be sufficient to satisfy the requirements of Policy D6 to the London Plan (2021) and of Policy 37 to the Bromley Local Plan (2019) which require provision of sufficient daylight and sunlight for new housing.
8. All 4 windows were obscure glazed at the time of my visit. Retention of obscure glazing would have a restrictive effect on natural lighting but not to a material extent. The submitted elevation indicates obscure glazing 'to match existing'. Other first floor flats appear to have obscure glazing. A planning condition could be used to approve glazing details to ensure satisfactory living conditions for the occupiers of the flat and to safeguard privacy for the occupiers of adjacent houses in Lewes Road to the front and in Beechfield Road at the rear.
9. Paragraph W(3) of Part 3 enables a local planning authority to refuse an application where, in their opinion, the developer has provided insufficient information to establish whether the proposal complies with any conditions. I acknowledge that the appellant's plan 'Typical Elevation' does not accurately locate the appeal flat along the length of the building. Nonetheless, the plan does show the size and interval of windows to one first floor elevation. The floor plan does locate the flat within the complex and its east-west orientation. Dimensions to habitable room and non-habitable room windows have also been provided. There is sufficient information to establish that habitable room windows at the proposed flat would benefit from adequate natural lighting.
10. Objections have been raised on the grounds of parking. It would appear that there is no residents parking at the site and that roads in the vicinity do suffer from some parking congestion. Nonetheless, I concur with the Council that the proposal would not result in a material increase in traffic or parking.
11. The site presently has a small bicycle store and an area for storing refuse and recycling. A condition has been included to enable the Council to ensure adequate provision for these matters.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR