



Appeal Decision

Site visit made on 17 February 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 MARCH 2022

Appeal Ref: APP/G5180/W/21/3277826

143 High Street, Bromley, BR1 1JH

- 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 Parag Patel of Designwell Properties Limited against the decision of the London Borough of Bromley.
 - The application Ref DC/20/03821/FULL3, dated 10 September 2020, was refused by notice dated 30 April 2021.
 - The development proposed is a change of use of the ground floor of existing offices (Use Class E) to residential (Use Class C3) to create 4 x studio flats with associated amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and brevity, the description of development has been taken from the Council's decision notice and the appeal form.
3. Since the appeal was made the National Planning Policy Framework (the Framework) was revised in July 2021. The sections pertinent to this appeal have not materially altered and I will therefore reference the revised version in my decision.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of future occupants in relation to outlook and light; and
 - the adequacy of bicycle parking provision.

Reasons

Living conditions

5. The appeal site is a large mixed used building within Bromley Town Centre Conservation Area. Facing High Street, the ground floor is currently a bank, and floors 1 to 4 have been converted from offices to residential units. The back of the building is split into two sections with an access area between linking into the surrounding service yard. The area of the building pertinent to this appeal is the ground floor of the northern rear section. This faces the access area and service yard. It is currently being converted into office space, although on visiting the site, its layout was not consistent with the submitted existing plans. The elevation of the appeal building on the opposite side of the

access area is functional with fire exits and air conditioning units along its length. Within the access area is a metal emergency staircase to the upper floors of the appeal building. The access area, service yard, and other areas of external space are not included within the appeal site.

6. When I visited the site the service yard was not accessible from the appeal building and was inaccessible from the public highway as it was secured by a locked gate. The access area and service yard, although described in the appellant's design and access statement as a residential courtyard, appears to be used for retail and commercial waste storage, staff smoking facilities, and a service access for the large shopping centre to the east.
7. The proposal would create 4 studio flats all with glazed doors (for fire escape purposes) and windows in the south elevation, except for 1 flat which would also have a window in the east elevation. Each dwelling would have the living / sleeping space located by the windows with the bathroom and kitchen area behind. All 4 studio flats would exceed minimum internal space standards but would have no private outside space. They would be accessed from an internal corridor from High Street.
8. Policies 4, 10 and 37 of the Bromley Local Plan (2019) (Local Plan) seek to ensure good quality living accommodation and residential amenity, and a high standard of design and layout for all new housing developments. As stated by the appellant, Local Plan Policies 4, 10 and 37 do not specifically refer to outlook in relation to living conditions. However, it is commonly accepted that 'amenity' is a broad concept and not formally defined in legislation nor procedural guidance and thereby should be considered on a case-by-case basis. In this case outlook is considered relevant.
9. Policy 6 of the London Plan (2021), with reference to table 3.2, supports the Local Plan position and sets out qualitative aspects which should be addressed in new housing developments. In this instance the pertinent aspects are the provision of adequate daylight and sunlight for residents and opportunities for visual interest through immediate and longer-range views.
10. The proximity of the southerly rear section would mean there would be no views beyond or above its functional blank elevation for 3 of the 4 proposed studio flats. The fourth proposed studio flat would have a slightly wider view but this would be of the service yard. It is agreed that in urban areas outlooks can be more restricted than in less developed areas. However, the proposal would create 4 dwellings of which 3 would be single aspect, with views onto an unkempt and degraded space with no visual interest. This would therefore provide a poorly designed, confined, and limited outlook for the proposed studio flats. The lack of control over the service yard and access area means there is no opportunity to improve the outlook via condition.
11. It is appreciated that the Mayor's Housing Supplementary Planning Guidance (March 2016) provides some flexibility in relation to outlook, specifically for single aspect dwellings. However, in this case, I am not convinced the orientation of the building would overcome the very poor outlook and therefore my findings are not altered.
12. Turning to matters relating to light, on review of the Daylight Report by Delta Green Environmental Design (Revision 1, 19 March 2021, 21025-DG-XX-ZZ-RP-Y-2501) the conclusions suggest that adequate levels of daylight could be

achieved for the report defined 'living spaces'. While the report's methodology is not in itself inappropriate, the scope of the report is too limited. On visiting the site, the southern rear section of the appeal building would appear to be differently formed to that relied on in the Daylight Report, figure 4.1. It is also unclear why the kitchen areas, which form part of the open plan, habitable room of each proposed studio flat, were not included within the assessment area. According to paragraph 2.1 and table 2.1 of the Daylight Report, kitchens have their own defined target illuminance, which is higher than bedrooms or living rooms, and where rooms are used for more than a single purpose the target illuminance should be of the room type with the highest value. The Daylight Report therefore fails to assess the habitable room fully to the recommended target illuminance and shows an inconsistency in approach to that described within the report.

13. Local Plan Policy 37 also requires an adequate provision of daylight and sunlight for residents. The assessment of sunlight for the proposed development is beyond the remit of the Daylight Report and no other evidence on this matter has been submitted. Based on the evidence before me it is not possible to confirm that the proposed development would provide adequate light for future occupants, and on visiting the site I remain unconvinced that adequate access to daylight and sunlight would be achievable.
14. The main parties have referenced other Local Plan policies and various parts of the Framework, including those relating to housing need, and the development of under-utilised buildings. These matters have been considered but do not alter my findings.
15. The lack of impact in relation to privacy, outdoor amenity space, character and appearance of the appeal building, the sustainable location of the appeal site, and the main parties' agreement that the current use of the building is not viable, do not outweigh the harm found.
16. In conclusion therefore, the proposed development would harm living conditions of future occupants in relation to outlook and light. This would be contrary to London Plan Policy D6 and Local Plan Policies 4, 10 and 37, as set out above.

Bicycle parking

17. Local Plan Policy 30 requires that the minimum bicycle parking standards set out within the London Plan are met for all development. London Plan Policy T5, with reference to Table 10.2, sets out minimum standards.
18. The proposed development would reduce the existing bicycle parking provision for the building from 12 spaces to 4 spaces and would not provide any additional bicycle parking for the 4 proposed studio flats. This would be to the detriment of all existing and future users of the appeal building as it would not support cycling as a viable method of transport.
19. The appellant has suggested that other parts of the appeal site could be used for bicycle parking. However, no details of how this could be achieved have been provided. To condition additional bicycle parking in this instance would be imprecise and would not meet the tests in paragraph 56 of the Framework.

20. In conclusion the proposed development would not include adequate bicycle parking provision. It would, therefore, not comply with London Plan policy T5 and Local Plan policy 30, as set out above.

Conclusion

21. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be dismissed.

RJ Redford
INSPECTOR