



Appeal Decision

Site visit made on 11 July 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 AUGUST 2022

Appeal Ref: APP/G5180/W/21/3286544

Southern Garage Block, South Park Court, Park Road, Beckenham BR3 1PH

- 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 Jashraj LLP against the decision of the London Borough of Bromley.
 - The application Ref DC/21/02864/FULL1, dated 9 June 2021, was refused by notice dated 20 September 2021.
 - The development proposed is the demolition of 3 garages and erection of a 2-storey attached building to create a 2-bedroom dwelling with associated car parking, bicycle store and screen to existing refuse storage area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal submission included amended plans. Although the main parties have had the opportunity to comment on the plans, an appeal should not be used to evolve a proposal. I have, therefore, made my decision on the original plans. Nevertheless, had I considered the amended plans they would not have altered my findings.

Main Issues

3. The 3 main issues are a) whether the proposed development would preserve or enhance the character and appearance of the Southend Road Conservation Area (CA); and whether the proposed development would b) effect the living conditions of the occupants of 27 and 29 South Park Court with specific regard to privacy and outlook; and c) provide acceptable living conditions for future occupiers with specific regard to external space.

Reasons

Character and appearance

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Paragraph 189 of the National Planning Policy Framework (the Framework) requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and paragraph 199 confirms 'great weight' should be given to their conservation.

5. The foregoing is similarly articulated in Policies 37 and 41 of the Bromley Local Plan (Local Plan), the former also encompassing broader matters related to design and has consistency with Local Plan Policy 4. Likewise, Policies D3 and HC1 of The London Plan.
6. The Southend Road Conservation Area Supplementary Planning Guidance (SPG) sets out why the CA is important and how new development within it should be designed. The CA's significance stems from its development in the early-/mid-19th century to raise funds for the Cator estate by selling off plots of land for new houses. As such the focus of the CA is the entrance lodges for Beckenham Place Park leading onto the row of large, detached dwellings along Southend Road.
7. South Park Court is on the opposite side of Southend Road to the lodges and detached dwellings, and although a later edition to the area signifies the continued suburbanisation of this part of Beckenham. According to the SPG, it is a good example in scale, form, and style of a 1930s mansion block, therefore meriting its inclusion within the CA. Beyond the CA, behind South Park Court, is a series of later residential blocks, namely Vivian Court and Minshull Place. Between these blocks and South Park Court there is an expanse of single storey garages. These are related to the various residential developments and interspersed with areas of communal garden. This creates a spacious and somewhat verdant break in the otherwise densely developed area, providing a visual and physical gap between the CA and the later development beyond.
8. The proposal would be of a 2-storey form inconsistent with the single storey nature of development along this side of the CA and would reduce the spaciousness between South Park Court, Vivian Court and Minshull Place. Although the appeal site is away from the heart of the CA and physically screened from Southend Road by South Park Court itself, it would blur the separation between the evolutionary development of the Southend Road area and that beyond. This would be to the detriment of the CA's character and appearance and is considered less than substantial harm.
9. It has not been shown how the proposed new dwelling would be publicly beneficial over and above providing a singular open market dwelling. Consequently, the public benefit of the scheme is limited and would not outweigh the less than substantial harm found.
10. The proposed development would not, therefore, preserve or enhance the character and appearance of the CA, contrary to Local Plan Policies 4, 37, and 41, London Plan Policies D3 and HC1, Paragraphs 189, 199 and 202 of the Framework, and the SPG.
11. London Plan Policies D6 and H2 are referred to in the reason for refusal, I have however not referred to them above as they do not appear to be directly relevant to conservation areas or character and appearance.

Living conditions – neighbouring occupants

12. Directly adjacent to the appeal site is the 4-storey flank elevation of South Park Court, with windows for No 27 on the ground floor and No 29 on the first floor. The appeal site is not heavily used mainly providing access to the garden area to the side of South Park Court and Viraj House, and for the parking of 1 vehicle.

13. All the windows within the proposed dwelling, excepting one, would directly face the windows of Nos 27 and 29. The proximity of these windows means that intervisibility is unavoidable and occupants of the proposal would be able to see into Nos 27 and 29. For No 29, which is not currently overlooked, this would have a significant and detrimental impact on the privacy of its occupants.
14. No 27 already has a less than optimum level of privacy due to a lack of defensible space in front of its windows. However, the proposal would reduce this yet further by intensifying the frequency and volume of users of the appeal site, relating to the proposed new dwelling and garden, and by narrowing and positioning the access way to the side garden and Viraj House in such a way as to allow unfettered views directly into the windows of No 27. This would unacceptably reduce the privacy yet further for the occupants of No 27.
15. The use of partially obscured glazing in the second storey windows of the new dwelling is proposed to mitigate any issues with privacy. I am not convinced that the balance between protecting the privacy of the occupants of No 29 and creating a reasonable outlook for future occupants of the proposed dwelling could be struck in terms of the level of opacity and amount of obscure glazing required. Notwithstanding this, obscure glazing to the second storey windows would not overcome the reduction in privacy for the occupants of No 27.
16. The appellant states that a similar impact is created between 21 Park Road and another part of South Park Court and that there is a low expectation for privacy within the area. My findings are based on the specifics of the appeal before me and in relation to the current development plan, which was adopted post approval of 21 Park Road.
17. In relation to outlook, No 27 already has a limited outlook from the windows in the flank elevation, curtailed by the existing garage block, and this would not change significantly. No 29, however, enjoys open views across the spacious and verdant gap between South Park Court, Vivian Court and Minshull Place. The height of the proposal would dominate the views from the windows of No 29, largely obscuring the existing open aspect. This would constitute a significant and detrimental change in outlook for the occupants of No 29.
18. Consequently, the proposed development would harm the living conditions of the occupants of Nos 27 and 29 with specific regard to privacy and outlook. This would be contrary to Local Plan Policies 4 and 37, London Plan Policies D3 and D6 and paragraph 130 of the Framework insofar as they require respect of the living conditions of occupiers of neighbouring buildings.

Living conditions – future occupants

19. Existing dwellings in South Park Court have access to a range of outdoor spaces including outwardly looking balconies, formal gardens, and a central square. All of which have relatively open aspects, limited enclosure and privately allocated areas are not heavily overlooked.
20. The proposal would provide an area of private external space directly to the front of the new dwelling. However, this would not be well related to the existing outdoor space and would be of poorer quality. This is because it would be enclosed, oppressively so, due to the proximity of the bin store, another garage block, further car parking, and the 4-storey flank elevation of South

Park Court; heavily and directly overlooked by 5 other dwellings along with anyone accessing the side garden or Viraj House; and with views limited to the windows of other properties and the bin store.

21. Notwithstanding the oppressive nature of the proposed location, the main detracting factor is the immediate proximity of the bin store. I am not convinced by the details before me, that the proposed screening and the practicalities of specifying the order of which bins should be put in the store would successfully shield users of the proposed external space from the visual, aural and olfactive impact the proximity of such a use would have.
22. The appellant has confirmed that the occupants would have access to the wider communal gardens, and the size of the proposed external space would exceed policy requirements. However, this does not overcome the poor quality of the external space provided.
23. The proposed development would, therefore, fail to provide acceptable living conditions for future occupiers of the dwelling with specific regard to external space. It would not comply with Local Plan Policies 4 and 37 and Policies D3 and D6 of the London Plan.

Planning Balance and Conclusion

24. The Council cannot demonstrate a 5-year housing supply, citing a short fall of 1.01 years. As such, it is necessary for me to apply paragraph 11 of the Framework.
25. The utilisation of a previously developed small site within proximity of amenities and transport links to provide a single dwelling is a benefit. I also appreciate that an accumulation of small site developments can go some way to assist in housing shortfalls. However, the evidence before me does not show that the site is anything other than an isolated development rather than part of an accumulation of smaller sites. As such I can only give the beneficial provision of a single dwelling, in this location, limited weight regarding its contribution to the Council's current housing shortfall.
26. Nevertheless, I have found substantial harm in relation to the character and appearance of the CA, the living conditions of the occupants of 27 and 29 South Park Court, and those of future occupants of the proposed dwelling. These matters significantly and demonstrably outweigh the limited benefits to the scheme.
27. The planning balance is therefore not in favour of the appeal scheme. It does not comply with the development plan as a whole nor the approach in the Framework, and there are no other material considerations that would indicate a contrary decision. The appeal is therefore dismissed.

RJ Redford

INSPECTOR