



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: 30th August 2022

Appeal Ref: APP/G5180/W/21/3281543

The Doll's House, 61 Thayers Farm Road, Beckenham BR3 4LY

- 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 Ayoade against the decision of the London Borough of Bromley.
 - The application Ref DC/20/03270/FULL1, dated 21 August 2020, was refused by notice dated 16 July 2021.
 - The development proposed is the demolition of an existing detached house and erection of a part one storey, part three storey building containing 7 units, comprising 1no. 3bedroom/4person unit, 2no. 2bedroom/3person units, 2no 1bedroom/2person units, and 2no. 1bedroom/1person units, and landscaping, refuse, cycle storage, amenity, and boundary treatments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity I have expanded the abbreviations used within the description.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of the occupants of 59 Thayers Farm Road with specific regard to noise and disturbance; c) whether the proposed development would provide acceptable living conditions for future occupiers with specific regard to the layout of accommodation; and d) whether the development would prejudice highway safety.

Reasons

Character and appearance

4. Thayers Farm Road forms part of a residential area with Chaffinch Road and Rowden Road. These roads are located behind the more commercial and built up Beckenham Road and are bounded by railway lines on all other sides. The properties in this area appear similar in age, are 2-storey and mainly semi-detached, but with design features common to each road. This along with the mature rear gardens, relatively open frontages (mainly used for off-street parking), greened railway embankments, road verges and trees create a verdant, domestically scaled character.
5. The properties on Thayers Farm Road, are semi-detached, narrow and have a simple gable ended form with the main entrance on the side elevation. This

creates a regular rhythm to the street scene and a homogeneity in style and form. The house on the appeal site is detached but of the same style as the surrounding properties and so maintains the spacing between buildings. The appeal site itself is a large corner plot with narrow street frontage, enclosed by the railway embankment and pumping station as well as adjacent houses on Thayers Farm Road and Rowden Road.

6. The proposal would be significantly larger than the existing dwelling and would have a relatively complicated footprint including angled and curved walls. The mansard roof would dominate the building and draw attention to its mass and bulk. The proposed new building would be of a design and style dissimilar to the properties on this part of Thayers Farm Road or the adjacent roads. It would be more akin in appearance, scale and use to the buildings on and near to Beckenham Road, at the opposite end of Thayers Farm Road.
7. However, the Thayers Farm Road junction with Beckenham Road is some distance from the appeal site and the intervening properties are more closely aligned in style, form, and design to those immediately surrounding the appeal site. The proposal would, therefore, be at odds to its immediate surroundings creating an awkward relationship with the adjacent properties and would be out of scale with the street scene and surrounding area.
8. The proposed location of the new building would be close to the boundary with No 59. This would remove the current visual gap between the existing property and No 59, disrupting the cadence and ratio of space to built form which is an important part of the street scenes character. The enclosing of the frontage would also differentiate the site from its surroundings visually creating a separated and enclosed site and severing the existing relationship between it and the road.
9. Consequently, the proposal would significantly harm the character and appearance of the area. This would be contrary to Local Plan Policies 4 and 37, and London Plan Policies D1 and D3, insofar as they deal with character, appearance.
10. London Plan Policy D6, which deals with housing quality and standards, and Policy H2, which deals with the allocation of small sites have been cited in the reason for refusal. I have however not referred to them above as they do not appear to be directly relevant to character and appearance.
11. Separately, the parties dispute whether the appeal property constitutes a non-designated heritage asset. Paragraph 40¹ of the PPG states local planning authorities (the Council) may identify non-designated heritage assets as part of the decision making process. However, the Council have not submitted a clear definition of the grouping of houses they consider form the non-designated heritage asset, nor what makes those different to the wider area of similar homes within the Thayers Farm Road, Chaffinch Road, and Rowden Road area.
12. Paragraph 39² of the PPG goes onto state that a substantial majority of buildings have little or no heritage significance and only a minority have enough to merit identification as non-designated heritage assets. As such, based on the evidence before me and my own observations during my site visit. I am unable to affirm that the appeal site constitutes a non-designated

¹ Reference ID: 18a-040-20190723 Revision date: 23/07/2019

² Reference ID: 18a-039-20190723 Revision date: 23/07/2019

heritage asset. To that effect I am disregarding the Council's reference to Policy 40 of the Bromley Local Plan (Local Plan), Policy HC1 of the London Plan.

Living conditions – 59 Thayers Farm Road

13. No 59 is adjacent to the appeal site sharing a boundary with the rear garden and its main entrances faces onto this. The appeal property is set back from the shared boundary with its main entrance and garden access on the opposite side to No 59. Although there is a train line to the rear of No 59 and the appeal site, I observed that the area is relatively quiet in relation to its proximity to Beckenham Road.
14. The proposal would constitute a significant intensification of use of the appeal site. It would locate the main accesses into the new building and site generally, along with the communal bin and cycles stores, opposite the side elevation of No 59. This would mean a potential of 16 residents accessing and exiting their properties as well as using the cycle and bin storage in close proximity to the side of No 59. This would lead to a significant increase in comings and goings, at various times of day, and with significantly higher incidence of visitors and deliveries.
15. Although there are no windows in the side elevation No 59, habitable rooms adjoin the side elevation. The proximity of the proposed access, bin, and cycle store, along with the significant increase in users of those elements has the potential to harmfully increase noise and disturbance above that of the current situation to the detriment of the living conditions of the occupants of No 59.
16. The application was supported by a noise and vibration report. However, this deals with the potential impact of surrounding noise (namely the train line) on future occupants and not the potential impact on existing occupants of adjacent properties.
17. Consequently, I am not satisfied that the evidence demonstrates that additional noise and disturbance created by the proposal would be acceptable in relation to the living conditions of No 69's occupants. This would be contrary to Local Plan Policies 4 and 37, and London Plan Policies D1 and D3, insofar as they deal with the living conditions of occupants of neighbouring properties.

Living conditions – future occupants

18. The proposal would create 7 dwellings of varying sizes. The 3 ground floor dwellings would have individual entrances, with the 4 upper floor dwellings accessible from a recessed entrance near to the bin storage, using an enclosed partially spiralled stairwell with a singular roof light. This would provide limited space for passing or manoeuvring on the stairs especially if users are carrying anything, likely always require artificial lighting, and create an oppressive and claustrophobic entrance for the upper floors. This does not, therefore, constitute high quality design and does not show consideration for functionality and useability of the space to the detriment of future occupants.
19. The appellant has shown that each room could be adequately furnished. However, the non-regular shape of many rooms, convoluted floor plans and use of split windows in the front elevation implies a quantitative rather than qualitative focus to the proposed design. These elements physically constrain the ability of future occupants to use the spaces flexibly to reflect their own needs

and accommodation requirements. This would also harm the living conditions of future occupants.

20. It is noted that all 7 dwellings would reach or exceed the minimum space standards, and all would have access to outdoors space. However, I am not convinced the layout of accommodation, including the communal entrance would provide adequate and functional spaces for all future occupants.
21. The proposed development would not, therefore, provide acceptable living conditions for future occupiers with regard to the layout of accommodation. This would be contrary to Local Plan Policies 4 and 37 and London Plan Policies D1, D3 and D6 insofar as they relate to the living conditions of future occupants.

Highway safety

22. Thayers Farm Road is narrow, and the appeal site is on a corner with limited road frontage. The appeal site has 1 off-street parking space. Thayers Farm Road and surrounding roads have on-street parking restricted, by double yellow lines and waiting restrictions, to designated areas which are controlled by permit.
23. The appellant submitted a Transport Statement (TS) with the application, which focuses on parking and other methods of transport for future occupants. The proposed development would have no off-street parking provision.
24. There is no scope within the proposed design for day to day vehicle access, such as deliveries, removals, tradespersons, and those journeying to and from the site, including visitors. Due to the on-street parking restrictions and the high number of dropped kerbs (accessing other properties off-street parking), along with the high parking stress in the area (referred to in the Council's parking survey), it is likely that such day to day activity would occur on the pavement at the front of the site, which is slightly wider than the that along rest of the road due to the corner location. This would block the adjacent properties' off-street parking and limit visibility around the corner. This also has the potential to be a regular occurrence for a development of 7 dwellings and consequently is likely to prejudice road safety. The TS does not consider these matters, nor suggest any mitigation. In these circumstances, I am unconvinced that the evidence demonstrates that the proposal would not have a significant adverse impact on highway safety.
25. Local Plan Policy 30 requires a minimum parking standard provision, for a proposal of this nature in PTAL 4, of 5.2 spaces. The TS evidences a potential capacity for on-street parking within the area, although this is at odds to the Council's own view that there is a high rate of car ownership and parking stress in the area. However, the appellant states the proposed development would be car free and that it would be marketed as such.
26. I am cognisant that car free accommodation could be achieved on the site under the right circumstances, with the reasonable service offer of Beckenham Road in walking distance, and the proximity of the station. I am also aware of the appellant's proposal, and the highway officer's broad agreeance, that a car club membership or similar could be conditioned. However, this would not overcome the harm to highway safety caused by other vehicle uses related to the proposal.

27. Consequently, I find that the proposal would prejudice highway safety and would not comply with Local Plan Policies 30 and 32, insofar as they relate to highway safety and parking.

Other Matters

28. It is common ground that the Council is unable to demonstrate a 5 year supply of deliverable housing sites, as required by the Framework. I return to this matter in my 'Planning Balance and Conclusion', below.
29. The appellant has referred to various paragraphs from the Framework, related to supply of home and well-designed places. I have had regard to these, but they do not alter my findings.
30. A lack of harm, in relation to outlook, access to light, ventilation, outdoor space, cycle and refuse store provision, and vibration, are ordinary planning requirements for new development. These considerations do not overcome the harm identified in the main issues.
31. The Council is not bound by advice it has provided at pre-application stage. In addition, the scope and breadth of neighbour consultations at application stage and distance from the site of some interested parties do not impact on the planning merits of the case.

Planning Balance and Conclusion

32. As set out above, I have found harm in relation to the character and appearance of the area, the living conditions of the occupants of 59 Thayers Farm Road and future occupiers of the proposal, and with regard to highway safety. The development would be contrary to the development plan in these respects.
33. Set against this, the provision of 7 dwellings would make a modest contribution to reducing the current housing shortfall of the Borough. The retention of a 3+ bedroom dwelling, the reasonably sustainable location of the site, the use of energy efficient construction methods and alternative energy sources, would also provide some limited benefit. However, I cannot afford any weight to the appellants assertion that the properties would be affordable. This is because there is no evidence to show that they would be disposed of in any way other than on the open market and their smaller size does not automatically define them as affordable.
34. In these circumstances, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
35. For the reasons given above I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR