



Appeal Decision

Site visit made on 10 August 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2022

Appeal Ref: APP/G5180/W/21/3288297

8-12, Bromley Road, Beckenham BR3 5JE

- 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 Shaf Rahman of CDC Enterprise Ltd against the decision of London Borough of Bromley.
 - The application Ref DC/21/03405/FULL1, dated 3 July 2021, was refused by notice dated 12 October 2021.
 - The development proposed is change of use of ground floor to provide 5 x self-contained dwellings along with associated external alterations, cycle parking and refuse storage.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. There is another appeal on this site for change of use of the ground floor Class E unit to 5 self contained dwellinghouses under permitted development rights¹ (The Prior Approval appeal). For the avoidance of doubt, I have determined these two appeals on their individual merits.

Main Issue

3. The main issue is the quality of accommodation for future occupiers with particular regard to internal layout, amenity space and entrances.

Reasons

4. Flats 4 and 5 would be accessed via the rear of the property. This would be along a private access along the side of Beckenham Methodist Church, and to the rear of adjoining properties. The land is outside the application site and I am not presented with any mechanism to control the quality of this route for example with regard to lighting.
5. Occupiers would therefore have to walk along an access road away from the main street lighting and public surveillance. Once at the property, canopies would indicate the locations of front door and defensible planting is proposed. However, the entrance to the site from the public realm is not clear or convenient. Whilst other examples may exist, I am not presented with similar successful rear access arrangements that persuade me that this layout would be appropriate.

¹ APP/G5180/W/22/3292845

6. Each of the proposed units would provide adequately sized accommodation and there is no dispute with regard to the individual shape or sizes of the rooms. Whilst flats 1 and 2 would have a linear layout, the circulation space would provide clear and suitable connection between the rooms. However, the outlook from some rooms would be restricted. In the case of flat 2 bed 1 outlook would be across a very narrow patio, and in the case of bed 1 at flats 3 and 1 it would be onto a narrow part of the internal garden. Although these spaces would be part of these occupiers' private outdoor space, that does not alter the fact that these rooms would have very limited outlook. This would not provide high quality living conditions for future occupiers. This remains the case notwithstanding that there is no dispute between the main parties with regard to light to the proposed rooms.
7. 4 of the flats would have adjoining gardens. Boundary treatment could be provided at a height to prevent overlooking between flats and gardens. Noise from the residential gardens is likely to be heard in those adjoining. However, even at this proximity, domestic noise within gardens in a residential block would be unlikely to result in noise levels that would be harmful to neighbours living conditions. The daylight and sunlight assessment for planning states that all garden spaces would receive in excess of 2 hours of direct sunlight over 50% of their areas on March 21st. As such they would be suitably well lit.
8. Consequently, the proposed development would provide poor quality living conditions with regard to the entrances to flats 4 and 5, and the outlook from three of the bedrooms. As such, in this regard the proposed development would be contrary to Policy D6 of the London Plan (2021) which states that the experience of arrival is comfortable, accessible and fit for purpose and that layouts should provide clear and convenient routes. As well as Policy 4 of the Local Plan London Borough of Bromley Planning Division (January 2019) (Local Plan) which requires high quality layout and Policy 37 of the Local Plan which requires that development should respect the amenity of future occupants.

Other Matters

9. The Prior Approval Appeal has been dismissed. As such I am not satisfied that there is a real prospect that a similar development would be implemented under permitted development. Consequently, this does not alter my conclusions.

Planning Balance

10. The LPA cannot demonstrate a five year supply of deliverable housing sites. It can currently demonstrate around a 3.3 year supply. As such, paragraph 11d of the National Planning Policy Framework (2021) (The Framework) is engaged.
11. The proposed development would create 5 flats, which would contribute to the government's target to significantly increase the supply of homes. Taking into account the significant undersupply of housing, this is an important benefit of the proposed scheme. However, due to the size of the development this benefit is limited in its scale.
12. On the other hand I have identified serious concerns with regard to the poor quality living conditions, for reasons of outlook and arrival, to 4 of the 5 flats created. This would result in considerable harm to the amenity of future users.

13. Consequently, taking into account that the benefits would be limited, in this case the adverse impacts identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

14. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons set out above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR