



Appeal Decision

Site visit made on 27 September 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/G5180/W/22/3297852

19 Ancaster Road, Beckenham BR3 4DZ

- 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 Apputhurai Sakathevan against the decision of the Council for the London Borough of Bromley.
 - The application Ref DC/21/04696/FULL1, dated 10 May 2021, was refused by notice dated 9 February 2022.
 - The development proposed is described as "Conversion of dwelling into two x 2-bedroom flat and two x 1-bedroom flats including extension to roof and single storey rear extension; associated parking, cycle store."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the conversion of a dwelling into one x 3-bedroom flat, one x 2-bedroom flat and one x 1-bedroom flat including an extension to roof and single storey rear extension; and associated parking. This description was used by the Council on the decision notice and agreed with the appellant. Given the Council dealt with the proposal on this basis, so shall I.
3. The appellant has confirmed that the tenure of the units in the appeal proposal are one x 3-bedroom 4-person unit at ground floor (Unit 1), one x 2-bedroom 3-person unit at first floor (Unit 2) and one x 1-bedroom 1-person unit at second floor (Unit 3).

Main Issues

4. The main issues in this appeal are whether the proposal would provide adequate living conditions for future occupiers, with particular reference to internal space standards; the effect of the proposal on the character and appearance of the surrounding area; and the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

5. The appeal site is a semi-detached property located on the northern side of Ancaster Road in Beckenham. The surrounding area is mainly residential with Ancaster Road being made up of mostly detached and semi-detached properties, with some flatted developments located in close proximity. The

appeal proposal seeks a single storey ground floor extension and a rear extension at the roof level to convert the property into three self-contained flats.

Living conditions for the future occupiers

6. The Government's nationally described space standard, March 2015 (NDSS) contains the minimum internal space requirements for new dwellings. These requirements are also applied in a local context within Policy D6 and Table 3.1 of the London Plan, March 2021 (LP) and Policy 4 of the Bromley Local Plan, adopted January 2019 (BLP). Under these requirements a 3-bedroom 4-person dwelling laid out over one storey requires 74sq.m; a 2-bedroom 3-person unit would require 61sq.m and a 1-bedroom 1-person unit would require 39sq.m as the minimum standards.
7. There is a dispute in regard to the proposed floor areas between the parties, with the appellant indicating the gross internal area (GIA) as 75.9sq.m; 61.1sq.m and 57.4sq.m respectively for Units 1, 2 and 3, whilst the Council consider the GIA as 71sq.m; 52sq.m and 45.5sq.m for the same units. From the evidence before me, it appears that the appellants figures relate to the entire area for each floor, rather than the individual private dwellings, and do not distinguish between the private and communal areas. As such communal facilities like landings and stairwells in the property have been included in the calculations for the individual units. Both the NDSS and LP are specific in that the GIA of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls¹ that enclose each particular dwelling. Therefore, any communal areas should be discounted from each dwelling floor area.
8. Taking the above into account, I have applied the Councils GIA figures in relation to the appeal, as these appear to reflect the proposed floor area for each individual dwelling more accurately. As a result, the floor area proposed for both Units 1 and 2 would not meet the required space standards. In particular, Unit 2 is significantly less than the 61sq.m required in the documents, as the minimum floorspace for a dwelling of this size. Consequently, it would provide oppressively confined and unsuitable living conditions for future occupiers.
9. Furthermore, the NDSS and LP also set requirements that in order to provide two bedspaces, a bedroom must have a floor area of at least 11.5sq.m. From the plans before me, both bedrooms in Unit 2 would be below this standard, with bedroom 1 also short of the 7.5sq.m requirement for a single room. Given that these figures are minimum standards which are intended to act as a benchmark for high design quality, the shortfall in floorspace is not appropriate, and the proposal conflicts with both the NDSS, LP and the BLP in this regard.
10. In relation to this main issue, the living conditions of future occupiers would be unsuitable due to inadequate internal space. As such, because the minimum internal qualities of housing would not be provided, the proposal would not comply with LP Policies D3 and D6. Furthermore, the development would not

¹ The internal face of a perimeter wall is the finished surface of the wall. For a detached house, the perimeter walls are the external walls that enclose the dwelling, and for other houses or apartments they are the external walls and party walls

respond to BLP Policies 4, 9 and 37 which amongst other things, seeks to achieve high quality housing, along with the National Planning Policy Framework 2021 (the Framework), which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Character and appearance

11. Whilst there is variation in the style and materials used on the external facades at the front of the properties, there is nevertheless a cohesive and rhythmic pattern to the properties in the immediate area and in particular the roof treatments. However, many of the properties on the appeal side of Ancaster Road have been subject to rear extensions and alterations with several properties, including the adjoining property at No 21² exhibiting large rear roof dormer extensions. These are highly visible from public views from both Ancaster Road and the newly constructed Winders Close.
12. The proposed roof extension over the existing outrigger, would be of generous proportions, infilling the entire roof over the outrigger. However, the scale of the extension would be read within the context of a much broader elevation at the rear. As noted above, in the immediate vicinity of the appeal site, there are a number of properties with rear roof extensions of varying size and style, and within this context, the proposed development would not appear as an incongruous feature.
13. Policy 8 of the BLP require two storey extensions to normally retain a minimum of 1m space from the side boundary, or more generous side space where greater distances prevail. From the plans before me, the gap between the properties at Nos 17 and 19 Ancaster Road is approximately 1.5m. Given that the roof extension will be located above the existing footprint, this side space would be retained and would accord with the objectives of the policy.
14. The proposal would not look out of proportion or too large in relation to the host property or its surroundings. As a result, the proposed extension would cause no harm to the character and appearance of the area, and would be compatible with local character, physical context and density.
15. Therefore, I conclude the development would not harm the character and appearance of the host property and the surrounding area. In these regards, it would comply with BLP Policies 4, 8, 9 and 37; LP Policies D3, D6 and H2 and the Framework. Amongst other things, these require new development to achieve high quality design, to respect the distinctive local character, and complement and be compatible with the surrounding area.

Living conditions of existing occupiers

16. The flank elevation of the appeal property aligns with the side elevation of No 17 Ancaster Road. Neither unit have side facing habitable room windows at upper floor levels, and the appeal scheme does not provide any upper floor habitable room windows in this flank elevation, although there are additional windows at ground floor. The lack of upper floor windows, coupled with the retention of close boarded fencing around the back garden at the ground floor level, would ensure that the scheme would not cause overlooking or loss of privacy to the neighbouring property at No 17.

² London Borough Bromley Planning Ref: 17/00968/FULL1

17. Whilst it is acknowledged that the proposal would provide a greater mass and bulk at roof level, this is set against a similar arrangement at No 21. The upper floors of the proposed development would be situated on the same footprint of the existing property effectively providing an infill extension at the roof level, retaining a similar separation distance with No 17. There is screening provided by the intervening vegetation in the back gardens of Nos 17 and 19, which is to be retained, and as such the proposal is unlikely to have an overbearing effect on outlook from either the garden or habitable rooms of No 17 given its infill nature.
18. As such, I conclude that the proposed development would not harm the living conditions of the occupiers of the neighbouring residential property at No 17 with particular regard to outlook. Therefore, I find no harm to the amenity protection aims of LP Policies D3, D6 and H2; BLP Policies 4, 8 and 37 and the Framework, which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

Other Matters

19. The Council accepts that it cannot demonstrate a five-year housing land supply (FYHLS) at present. In its appeal statement, the Council considers that FYHLS (covering 01/04/2021-31/03/2026) is 3,245 units, or 3.99 years supply. I have had regard to these figures when considering the extent of the shortfall.
20. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
21. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing two additional dwellings to assist the Council in addressing its housing undersupply. There would only be limited benefits in the provision of two new dwellings, and given the harm that I have identified in respect to living conditions due to the substandard accommodation, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Planning Balance

22. Bringing together my conclusions on the main issues I have had regard to the public benefits of the appeal scheme, in that the proposal would provide two additional dwellings and would not harm the living conditions of the neighbouring occupiers. I am in no doubt as to the positive value of some of these matters and I recognise that the appeal proposal may well accord with various other development plan policies. However, neither the benefits of the scheme nor these other matters provide clear and convincing justification to outweigh the harm identified above in respect to substandard accommodation and justify allowing the appeal.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR