



Appeal Decision

Site visit made on 4 October 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/G5180/W/22/3291521

17 Market Square, Bromley BR1 1NA

- 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 Tim Binnington against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/02884/FULL1, dated 9 June 2021, was refused by notice dated 20 October 2021.
 - The development proposed is the construction of ground, first and second floor extensions including covered stair enclosure and glass balustrade, with conversion of second floor (including enlargement) to form 1 no. 1 bedroom residential flat, enlargement of existing hairdressing salon at first floor level, with associated refuse enclosure.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development in the Council's decision notice and the appellant's appeal form as it more accurately describes that for which permission is sought.
3. The Council's reasons for refusal included reference to the limited size of the proposed new residential unit. Prior to the appeal coming before me the Council revised its assessment in this regard. It is a matter I address below.

Main Issues

4. The main issues are (a) whether the proposal would preserve or enhance the character or appearance of the Bromley Town Centre Conservation Area (BTCCA); and (b) the effect of the proposed development on the living conditions of future occupiers.

Reasons

Conservation Area

5. S.72 of the Act¹ requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, such

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

as a conservation area, great weight should be given to the asset's conservation.

6. The appeal site is located within the BTCCA. The Bromley Town Centre Conservation Area Statement 2011 (CAS) identifies this part of it as the Market Square Character Area. It includes mostly two to three storey older properties, with some modern development interspersed. Its significance is principally derived in that it comprises the traditional retail heart of Bromley, centred on Market Square.
7. The appeal building, together with Nos. 18 and 19 Market Square, comprise a unified group of three-storey properties within the wider street scene. They have more modern ground floor single shopfronts but overall fit well into the wider character of Market Square and the BTCCA as a whole.
8. To the rear, the appeal site backs onto Fyfe Way, a service area providing access to the rear of a number of properties both within and outside the BTCCA. Most of these buildings that are within the BTCCA have had a rear extension of some description although many are single storey, as is the case of the appeal property.
9. Even with the existing extension and the rear elevation containing some modern plant, the upper part of the building and its main roof are visible from Fyfe Way. Furthermore, the rear elevation of the appeal site appears reasonably consistent with those of Nos.18 and 19 Market Square, thus retaining the broad uniformity of this group of three properties.
10. The proposal would extend the rear of the building at both first and second floor. The staggered extension would incorporate a hipped roof at second floor level whose ridge line is slightly off-centre from the ridge of the main roof and whose pitch would be steeper than the main roof. The first-floor extension would have a flat roof. Although these elements would use matching materials the legibility of the rear of the building would be lost. The metal roof of the stair enclosure and glass balustrade would add additional disruptive elements to the overall composition. For these reasons the proposal would not complement the existing building and as a result it would not preserve or enhance the character or appearance of the BTCCA.
11. Whilst the appeal property has an existing flat roof extension, it does not harm the character and appearance of the building and thus the wider area in the same way the appeal proposals would. Similarly, the existing extensions on other buildings do not represent justification for harmful development at the appeal site and each application must be determined on its individual merits.
12. Although the works are not widely visible from the public realm, some neighbouring occupiers will be able to see parts of the extensions, particularly from upper floor windows. Whilst such views would be private, this would not diminish the harm that would occur and thus would be a legitimate matter of public interest.
13. Given the above, I find that the proposal would fail to preserve the character or appearance of the BTCCA. Consequently, I must give this harm considerable importance and weight in the planning balance of this appeal.
14. The harm I have identified to the BTCCA would, given its scale and visibility, be considered 'less than substantial' within the terms of the Framework. In

accordance with the Framework, where such harm occurs, it must be weighed against any public benefits.

15. I acknowledge that the proposal is intended to help support the existing hairdressing operations and that the Framework supports economic growth. Although the shop is a private business, its presence no doubt offers some social benefits to some members of the local community as well as to the local economy more generally. There is no substantive evidence before me to suggest that the viability of the unit would be threatened were this appeal to be dismissed.
16. The additional flat would provide a one-bedroom unit, that would help to address the supply of housing in the area. There would be associated social and economic benefits although some of these would be limited by virtue of time and the scale of the proposal.
17. Overall, and for these reasons, I would attach only a modest amount of weight to these benefits which I do not find are sufficient to outweigh the harm that I have identified.
18. Given the above, I conclude that the proposal would fail to preserve the character or appearance of the BTCCA. This would fail to satisfy the requirements of the Act, Paragraph 197 of the Framework and conflict with Policies D3, D4, and HC1 of the London Plan and Policies 4, 37, 41 and 97 of the Bromley Local Plan 2019 (Local Plan) which, among other things, seek to ensure that developments are designed so as to respect and protect heritage assets as well as the appearance of buildings and local character. As a result, the proposal would not be in accordance with the development plan.

Living Conditions

19. The new residential unit would occupy the second floor of the building. The bedroom would be positioned to the rear. There are existing items of plant on the rear of the appeal building as well as other, neighbouring properties. Any noise from such equipment during the day is likely to be 'lost' amongst the day-to-day town centre activities already going on in the immediate vicinity.
20. Although only a snapshot during a weekday morning, I did not consider the noise from such plant in the vicinity of the appeal site to be particularly noticeable or intrusive. At night such equipment may not operate or operate at a lower intensity than during the day.
21. As the Local Plan acknowledges, there are benefits to having residential accommodation on upper floors within the Town Centre. It also seems to me that occupants of a town centre flat could reasonably expect to experience some noise that residents in other locations may not expect or experience.
22. There are also glazing and ventilation options which could reduce the need to have windows open and so would allow the provision of residential accommodation with a reasonable internal environment. It seems to me that a condition seeking the submission of such details would be possible.
23. I note that no details of soundproofing between the residential and commercial parts of the building have been submitted. However, were I minded to allow the appeal then I would also have given consideration to a potential condition to address this matter.

24. Neither main party has produced any substantive evidence as to whether future occupants would experience an adverse living environment from outside sources of noise. However, having regard to the site's location, its context and the use of appropriate conditions, I am satisfied that in this particular instance the proposed unit would not, on balance, harm the living conditions of future occupiers.
25. Accordingly, I am satisfied that the proposal would comply with Policy D6 of the London Plan and Policies 4, 37 and 97 of the Local Plan insofar as they seek to ensure new housing units provide a satisfactory standard of living environment. Accordingly, the proposal would accord with the broad objectives of the Mayor of London's 'Housing' Supplementary Planning guidance (2016).

Other Matters

26. Both main parties now agree that the proposed new residential unit would accord with the Nationally Described Space Standards, and I have no reason to conclude otherwise. However, it is to be expected that new residential accommodation would at least meet these minimum standards in order to be considered acceptable. Therefore, this is not a matter which weighs positively in favour of the proposal.
27. The property is said to be in need of repairs and redecorating and these would form part of the overall works. However, there is no substantive evidence to indicate that the repairs are dependent on the extension or could not be undertaken independently of it.

Planning Balance and Conclusion

28. The Council acknowledges that it is unable to demonstrate a 5 year supply of housing. Paragraph 11(d) of the Framework directs that in such circumstances the policies which are most important for determining the appeal should be considered to be out of date.
29. However, the application of policies in the Framework that protect designated heritage assets [one of the areas referred to in footnote 7 to Paragraph 11(d)(i)] provides a clear reason for refusing the development proposed. Accordingly, the presumption in favour of sustainable development would not therefore apply in this case.
30. I have found that the proposal would cause harm to the character and appearance of the BTCCA. Any weight in favour of the scheme is significantly and demonstrably outweighed by the harms I have identified, which would be permanent and long lasting and worthy of great weight.
31. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR