



Appeal Decision

Site visit made on 16 November 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16th December 2022

Appeal Ref: APP/G5180/W/22/3299633

Units 3 & 5 Sonning Court, 14A Devonshire Square, Bromley BR2 9HX

- 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 Lander Developments Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/21/04519/FULL3 dated 10 September 2021, was refused by notice dated 24 February 2022.
 - The development proposed is change of use from 2no. ancillary work units to 2no. residential studios.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 2no. ancillary work units to 2no. residential studios at Units 3 & 5 Sonning Court, 14A Devonshire Square, Bromley BR2 9HX in accordance with the terms of the application, Ref: DC/21/04519/FULL3 dated 10 September 2021, subject to the conditions set out in the schedule at the end of the decision letter.

Main Issue

2. The main issue in this appeal is whether the proposal would provide a satisfactory standard of living accommodation for future residents.

Reasons

3. The appeal premises comprises a two storey building with accommodation in a mansard roof which fronts onto Devonshire Square and extends through to Napier Road. Both are predominantly residential streets although reflecting the local area there are a number of commercial, community and retail uses close by. The existing building comprises 3 x one bedroom flats on the first and second floors together with the two units in the mansard roof, originally permitted as 2 x ancillary work units in connection with the residential units in the building. There is also covered, communal bin stores and cycle parking for the whole building, accessed off Devonshire Square.
4. This proposal seeks to change the two upper floor units to 2 x self-contained residential studios both of which would be accessed via the communal staircase leading off Devonshire Square. It is proposed that they would use the existing cycle and refuse storage area within the building. There would be some internal alterations to one of the units to remove the internal wall between the main area and kitchen area. Each unit would therefore comprise an open plan living/kitchen and sleeping space with separate toilet and shower room.

5. Policy D6 of the London Plan and Policies 4, 37 and 10 of the Bromley Local Plan as well as the Mayor's Housing SPG (SPG) all seek for high quality design in terms of residential provision to provide satisfactory living environments for future residents. This objective is also a key component of sustainable development in the National Planning Policy Framework including in Section 12, titled Achieving well-designed places.
6. Paragraphs 2.1.17 to 2.1.19 of the SPG is clear that these standards are the minimum level of quality and design for new homes but acknowledges that there may be departures from these standards, including in particular circumstances with specific reference to some conversions, amongst other exceptions.
7. There is no dispute that neither unit would meet the minimum space standards for 1 b x 1p flats set at 37 sq m (where there is a shower room rather than a bathroom under Table 3.1 of Policy D6 of The London Plan). Each unit would be about or slightly below 32 sqm in size. However, both spaces would be of reasonable regular shape, enabling most of the space to be utilised, including in terms of flexible furniture arrangements. The plans indicate scope in both proposed units for some storage.
8. In terms of outlook and particularly in terms of light, I have no technical evidence before me, and my assessment is based on the available information as well as my site visit. Proposed Unit 3 would be dual aspect with a window in the eastern end wall facing Napier Road, and two good sized velux or mansard style windows along the longer northern elevation. Given the steep angle of the mansard and the setting of these two windows in that slope, in terms of the cill height, the windows taken together would offer good levels of light and outlook to all the living space. Proposed Unit 5 would be single aspect with all three velux/mansard style windows along the longer western elevation. Two of the three windows have lower cill heights and taken all together in relation to the size and configuration of the space, I consider that there would be appropriate levels of light and outlook to serve the space.
9. Sections were produced at the appeal stage to show that the internal floor to ceiling height would be a maximum of 2.6m for Proposed Unit 3 and 2.35m for proposed Unit 5. Although the precise figures are unfortunately not before me, it would appear that Proposed Unit 3 would satisfy criterion 8 of Policy D6 requiring a minimum floor to ceiling height of 2.5cm for at least 75% of the gross internal area of each dwelling. This would not be achieved for proposed Unit 5 given the lower height of 2.35m. I have noted that the Technical housing standards – nationally described space standard, referenced in the Council's reason for refusal refers to a lower floor to ceiling height of 2.3m.
10. There would be a breach of some of the standards set out in the London Plan and in particular under Policy D6 and the SPG, and as cross referenced under Policy H4 of the Bromley Local Plan, notably in respect of the overall size of the units as well as the floor to ceiling heights, particularly of Proposed Unit 5. However, following the advice in the SPG, and taking into account the regular shape of the rooms, the acceptable levels of light and outlook I am satisfied that the two units would secure a good standard of amenity for future occupants. Refuse storage and cycle parking would also be provided in the building. There would therefore be no conflict with Policies 37 and 10 of the Local Plan and the proposals would accord with the overall objectives of all the

relevant policies and guidance including Policy D6 of the London Plan and the SPG and Policy H4 of the Local Plan, as well as the Framework, in terms of achieving a satisfactory living environment for all future occupants.

Other Considerations

11. There is no dispute between the parties that the Council cannot meet its five year housing land supply requirement, although I have limited further information in this regard. I agree that the scheme, with the net addition of some 2 flats, over the existing, would provide a modest uplift in the housing provision and would be supported by national and local planning policy. However, as I have already found no harm from the development, there is no need for me to address this matter further and to undertake a planning balance exercise.
12. The appeal statement from the Council raises some concerns over the marketing exercise undertaken but this was not a reason for refusal and as I have already set out, I agree with the Council that the main issue in this appeal relates to whether the accommodation provided would provide satisfactory residential accommodation.
13. I have been provided with some appeal decisions in respect of other developments, where the standard of accommodation has been one of sometimes several issues considered. However, my decision is based solely on the planning merits of the particular case before me.

Conditions

14. The Council has sought a number of conditions to be imposed in the event of planning permission being granted. I agree that the scheme should be built in accordance with the approved plans, but in the interests of sound planning and for the avoidance of doubt the plan numbers should be listed. In the particular circumstances of this case and to avoid parking constraints and inconvenience and danger to other highway users I agree that conditions should be imposed to ensure that this is a car free development. I have amended the condition to clarify what is required. However, as the site is sustainably located and given the size of the units, I see no highways related need to impose a condition relating to providing access to a car club.
15. I agree that given the location of the site within an Air Quality Management Area a condition should be imposed to control emissions from any new gas boilers installed. There is an existing bin store and cycle store in the building and so it is not necessary to seek further approvals of these arrangements, but to require that the residents of the new flats will have access to these facilities to ensure the adequate provision of these facilities and protect the amenities of existing and future occupants.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions (1-5)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1984(02)1250; 1984(90)001; 1984(90)002; 1984(90)003; 1984(90)004; 1984(90)005; 1984(90)006 and 1984(90)007.
- 3) Before the development hereby permitted is first occupied, arrangements shall have been made in writing with the Local Planning Authority to secure the permitted development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:
 - (i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
 - (ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.Such scheme or agreement shall be implemented prior to the first occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.
- 4) Any new gas boilers installed shall meet a dry NOx emission rate of <40mg/kWh.
- 5) The bin store and cycle store shown on Plan 1984(90)001 shall be made permanently available for use by the occupants of the flats hereby permitted.