



Appeal Decision

Site visit made on 29 November 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/G5180/W/22/3296139

13A Homefield Road, Bromley, Kent BR1 3AJ

- 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 James Scott against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/05906/FULL1, dated 30 September 2021, was refused by notice dated 7 March 2022.
 - The development proposed is demolition of existing garage and erection of detached two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided on the application form does not specify the proposed use of the building, although it is identified clearly elsewhere in the application as a dwelling. In the banner heading above, I have used the Council's amended description, which I am satisfied accurately describes the proposed development.
3. The Design and Access Statement submitted with the application refers to policies in a former Bromley Unitary Development Plan, which were the basis for refusal of a previous application in September 2007. When considering the appeal, I have referred to the policies in the current development plan, which the Council's Officer Report confirms comprises the London Plan adopted in March 2021 and the Bromley Local Plan adopted in January 2019.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the setting of the adjacent locally listed building,
 - whether the proposed development would provide a satisfactory standard of internal accommodation and outdoor amenity space for future occupiers, and
 - the effect of the proposed development on living conditions within neighbouring properties.

Reasons

Character and Appearance

5. The appeal site is a parcel of land to the side of 13 Homefield Road, currently containing a dilapidated garage/storage building. This single storey structure is set behind an access currently serving flats in 13 Homefield Road, although the evidence confirms that the site is registered as a separate plot.
6. Along Homefield Road, there are several large and imposing detached houses, some converted to flats, standing in spacious grounds. No. 13 is one of the larger buildings, on three storeys with a prominent front gable further emphasising its scale. To the other side of the appeal site, no. 15 is a more modest, but attractively detailed two storey dwelling, dating from the late 19th century and identified by the Council as a locally listed building. Existing development on the opposite side of the road follows a similar pattern of substantial 19th/early 20th century buildings standing in spacious grounds.
7. Unlike the surrounding development, the proposed dwelling would be of very modest proportions, with minimal space to either side of the building. It would be over one metre from the side boundaries, in line with the minimum standard in Policy 8 of the Bromley Local Plan, part (a). However, Policy 8 part (b) makes clear that a more generous amount of space is expected where higher standards of separation already exist within residential areas. Although there is some modern development of a less spacious character elsewhere on Homefield Road, the spacing around buildings in the vicinity of the appeal site is generous. This in turn allows the imposing scale and varied design of these older buildings to be appreciated.
8. In contrast, the proposed dwelling would be squeezed into its site, in a manner which would appear incongruous and detract from the spacious character of the surrounding street scene. In response to the tapering shape of the site, a rather awkward and contrived roof form is proposed. The somewhat plain front elevation would have none of the visual interest of the surrounding older buildings. Use of high quality external materials would not overcome harm associated with the scale, form and design of the proposed dwelling or the limited extent of the plot.
9. The adjacent dwelling, no. 15, is a two storey Queen Anne style house, with mansard roof. To the front, a central feature gable with eyebrow pediment, prominent chimney and louvred ventilator with weathervane form an interesting and attractive architectural composition. To the sides, distinctively shaped gable end walls reflect the shape of the mansard roof.
10. No. 15 is locally listed and is of sufficient architectural and historic interest to be considered a non-designated heritage asset. While other dwellings in the vicinity are larger and more imposing, its fine detailing and interesting appearance make a particularly positive contribution to the street scene.
11. Although the existing garage is located close to the shared boundary, its low, single storey form allows for a sense of space to be maintained between nos. 13 and 15. There is a similar level of space to the other side of no. 15, where it adjoins a parking area and additional single storey garage structures. The curtilage of no. 15 is relatively modest, given its positive role within the street scene. Therefore, these spaces within adjoining sites are an important aspect

of its setting. They allow its attractive architecture and detailing to be appreciated, against a backdrop of the mature trees in its rear garden.

12. The proposed dwelling would intrude into one of the important spaces to the side of the locally listed building, eroding its setting and introducing a cramped and incongruous form of development. The proposed two storey dwelling would dominate and largely obstruct views of the attractive end gable and the backdrop of mature trees. As a result, the proposed development would materially harm the setting of the non-designated heritage asset. Taking account of the positive contribution which the locally listed building makes to the wider street scene, I have given this harm to its setting significant weight.
13. While the existing garage is dilapidated and the evidence alludes to a history of fly tipping, it has not been clearly demonstrated that redevelopment with a two storey dwelling is the only option for securing and managing the condition of the site. Furthermore, any benefits associated with removal of the existing building would be outweighed by the harmful effects of the proposed development, as outlined above. As such, I have given limited weight to any potential for 'tidying up' the site.
14. For the reasons given above, I conclude that the proposed development would harm the character and appearance of the area, including the setting of the adjacent locally listed building. It would conflict with Policies D1, D3, D6, H2 and HC1 of the London Plan adopted March 2021 and Policies 4, 8, 37 and 39 of the Bromley Local Plan adopted January 2019. These policies, amongst other things set out a range of design requirements for new development, including that new housing development should complement the scale, form and layout of adjacent buildings and areas, providing generous spacing where higher standards of separation between buildings already exist and respecting the setting of locally listed buildings.

Internal Accommodation and Outdoor Amenity Space

15. Requirements for the standard of residential accommodation are set out in Policy D6 of the London Plan and Policy 4 of the Bromley Local Plan, with additional guidance in the Mayor of London's Housing Supplementary Planning Guidance dated March 2016. Although there are some differences of detail, these broadly prescribe compliance with the Nationally Described Space Standard¹ (NDSS).
16. The proposed dwelling would provide two bedroom accommodation for three persons on two storeys, indicating a minimum required Gross Internal Area (GIA) of 70sqm, based on the NDSS. The Council's evidence states that the proposed GIA would be approximately 62sqm, amounting to a significant shortfall against the minimum NDSS requirement. This figure has not been disputed. Based on the proposed section drawings, the Council further suggests that the minimum floor to ceiling heights required in the NDSS would not be achieved, although I note that no specific dimension is provided. In neither case has any contrary evidence been provided to demonstrate compliance with the NDSS or any alternative space standards.
17. Furthermore, the narrowing width of the site results in a rather awkward internal layout. The first floor shower room would be particularly cramped. In

¹ Technical Housing Standards – Nationally Described Space Standard (2015)

several areas, options for furnishing would be limited by the angled walls and/or the positioning of window and door openings. This would limit flexibility to adapt the accommodation to the needs of future occupiers.

18. The drawings indicate that the proposed dwelling would have a private garden to the rear, with additional land to the front, including off-street parking. Policy D6 of the London Plan sets out standards for the extent of private amenity space and, based on the dimensions given on the plans, the rear garden would comfortably exceed those standards. No alternative local standards have been brought to my attention.
19. The narrow, triangular shape of the rear garden would limit its usability to some extent. However, the widest area would be immediately accessible from the rear-facing patio doors and would provide a useful private space in reasonable proportion to the scale of the accommodation. While other similar-sized dwellings in the area may have more extensive private amenity space, occupier requirements vary, and this does not of itself render the proposed garden area inappropriate. As such, I consider that the proposed arrangements for outdoor amenity space are acceptable.
20. Nevertheless, for the reasons set out above, I conclude that proposed development would not provide a satisfactory standard of internal accommodation for future occupiers. As such, it conflicts with Policies D3, D6 and H2 of the London Plan and with Policies 4 and 37 of the Bromley Local Plan. These policies, amongst other things, require the provision of indoor environments that comply with minimum space standards and provide comfortable and functional layouts which are fit for purpose and meet the needs of future occupiers.

Living Conditions

21. Although the first reason for refusal highlights harm to the residential amenities of neighbouring property, the Council's Officer Report concluded that the proposed development would not substantially impact the amenities of adjacent properties with regards to loss of light or overshadowing. It further concluded that any impacts with regards to outlook, privacy or overlooking of adjacent properties would not be substantial enough to warrant refusal on these grounds alone. The Council's statement offers no further evidence in relation to the effect of the proposed development on living conditions of neighbouring properties.
22. While both of the nearest adjacent properties (nos. 13 and 15) have windows to their flank elevations, the orientation of the proposed dwelling, together with its shallow roof pitch and limited overall height would allow for an acceptable standard of daylight and sunlight to be maintained within those properties. For similar reasons, the proposed dwelling would not appear unduly overbearing from the adjacent properties. Several of the nearby windows are obscure glazed or secondary windows and the proposed dwelling would not intrude into the outlook from the more extensive window openings to the front or rear of the adjacent properties. There would also be no material loss of sunlight or daylight to front or rear-facing windows on the adjacent properties, given the relative orientation of the existing and proposed dwellings.
23. Due to the narrowing plot width, the proposed first floor rear window would overlook adjacent gardens to some extent. However, any such views would be

over only limited areas of the gardens. Existing tree screening within adjacent gardens would also help to maintain a standard of privacy consistent with reasonable expectations within a predominantly residential area. The level of noise and disturbance associated with the proposed development would not be unreasonably intrusive, given its location within an established built up area.

24. For the reasons set out above, I conclude that the proposed development would not be materially harmful to living conditions within neighbouring properties. In this respect, it complies with Policies D3, D6 and H2 of the London Plan and Policies 4 and 37 of the Bromley Local Plan. These policies, amongst other things, require that new dwellings are well designed and that development respects the amenity of occupiers of neighbouring buildings, including in relation to standards of outlook, privacy, daylight, sunlight and the effect of noise and disturbance.
25. Other development plan policies referred to in the first reason for refusal relate to the effect of the proposed development on the character and appearance of the area and on heritage assets. As such, they are not directly relevant to consideration of the effect on neighbours' living conditions. In relation to this specific issue, therefore, I have given these additional policies limited weight.

Other Matters

26. The Borough does not currently have a five year supply of housing land. The Council's evidence provides a figure of 3.99 years as at November 2021 and I have been provided with no alternative figures.
27. While this shortfall in housing land supply means that the development plan policies which are most important for determining the application are deemed to be out of date², the main focus of the policies referenced in the reasons for refusal is a range of design criteria and the effect of proposed development on heritage assets. To that extent, these policies remain substantially consistent with the National Planning Policy Framework July 2021 (the Framework) when read as a whole, particularly in terms of its focus on achieving well-designed places and homes (section 12), the desirability of maintaining an area's prevailing character and setting (paragraph 124) and the effect of development on non-designated heritage assets (paragraph 203).
28. On that basis, I attribute significant weight to the harm to the character and appearance of the area and the setting of the locally listed building, and to the unsatisfactory standard of internal living accommodation. I also attribute significant weight to the consequent conflict with the development plan.
29. The appeal site is not subject to any policies which protect areas or assets of particular importance, as listed in footnote 7 to Framework paragraph 11d(i), since the effect on a non-designated heritage asset is not included among the policies listed. As such, the proposed development falls to be considered against the test in paragraph 11d(ii) of the Framework. This requires that planning 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 as a whole.
30. Since the proposed development is for a single dwelling providing modest, two bedroom accommodation, its contribution to the shortfall in housing land

² NPPF paragraph 11(d), footnote 8.

supply would inherently be limited. Little evidence has been provided to support the assertion that there is a local shortage of two bedroom dwellings or that the proposed development would make a material contribution to such demand. Neither have I been provided with any objective evidence that provision of smaller dwellings is a local priority to support air quality management.

31. While the Framework supports development of brownfield and under-used land in locations with good access to local services, paragraph 124 makes clear that this is not at the expense of maintaining an area's prevailing character and setting, where appropriate, or securing well-designed places. Similarly, the Framework's support for development of small sites in paragraph 69 clearly refers to the benefits of using 'suitable' sites, indicating that issues of character, heritage and good design remain relevant.
32. The application indicates that the proposed development would be a self-build dwelling for the applicant's own use. However, no further evidence is provided as to the local demand for self-build plots or the extent to which the proposed development would help the Council meet its statutory duties in relation to self-build and custom house building. Furthermore, no legal mechanism has been presented to secure the provision of self-build housing on the site. As such, while I have noted the potential modest contribution to demand for self-build plots, I cannot be certain that such benefit would be delivered in practice. For that reason, I have given the provision of self-build housing limited weight.
33. I have noted the appellant's comments highlighting the absence of identified conflict with development plan policies relating to sustainable construction methods, accessibility, security and crime prevention and provision of off-street parking. However, even if I were to agree that there would be no unacceptable effects on any of these issues, this would be a neutral, and not beneficial, factor in the planning balance.
34. In conclusion, the benefits associated with the proposed development are very modest in scale. Set against those benefits are the harm I have identified to the character and appearance of the area and the setting of the locally listed building. The proposed development would also provide an unsatisfactory standard of living accommodation. I have given these harmful aspects of the development significant weight, along with the consequent conflict with development plan policy.
35. Given the harm that I have identified, I conclude 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.

Conclusion

36. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR