



Appeal Decision

Site visit made on 25 April 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal Ref: APP/G5180/W/22/3312443

56 Wellington Road, Bromley BR2 9NQ

- 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 Ahmed Mahmood against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/04181/FULL1, dated 13 August 2021, was refused by notice dated 21 July 2022.
 - The development proposed is described as "Erection of new attached 2 bedroom dwelling on land adjacent 56 Wellington Road including parking provisions for host and new dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has suggested a revision to the design of the appeal proposal to include an additional window at ground floor level. This would have a material effect on the design of the proposed development. The 'Procedural Guide: Planning appeals – England' states the appeal process should not be used to evolve a scheme. Therefore, I have based my decision on the proposal as set out in the application that was before the Council and upon which notification took place.

Main Issues

3. The main issues in this appeal are:
 - i. Whether the living conditions of future occupiers would be acceptable in terms of internal space and layout.
 - ii. The effect of the proposal on highway safety, with particular regard to parking and access.

Reasons

Living conditions

4. The long, open-plan living/dining/kitchen area would receive its main natural light and ventilation from a rear-facing French window, with side panels, at the end of the kitchen. Some light and ventilation would come from a front-facing window at the opposite end of the house. However, this window would be some distance away from the main living space. Although there would be limited internal walls on the ground floor, light and air circulation reaching the living

space from the front of the house would be restricted by a passageway between the stairs and bathroom. As a result, the area at the centre of the ground floor would be dark and poorly ventilated, with limited external outlook. This would not provide acceptable living conditions for future occupiers.

5. The total gross internal floor area (GIA) of the proposed house is not clear from the 'Schedule of accommodation' provided. The total area of the rooms listed is considerably less than the 70 m² minimum GIA requirement for a two-storey, two-bedroom, three-person house set out in Policy D6 of the London Plan (LP). However, the schedule of accommodation does not list internal circulation space, which should be included in the calculation of GIA. I note the potential for additional storage space under the stairs, but built-in storage is only one aspect of the space standard. Consequently, I cannot be sure the proposal would meet the required internal space standard. This has potential to harm the living conditions of future occupiers.
6. It has been put to me that the front and back reception rooms in the existing house at No 56 Wellington Road are served by one window each, with no side windows. However, the three ground-floor habitable rooms in that house are separate and the kitchen is dual aspect. In addition, the distance between the front and back of No 56 is shorter than in the proposed house. Therefore, comparison between the layout of the host dwelling and appeal proposal is of limited relevance.
7. The Council considers none of the rooms in the proposed layout would have a particularly convoluted shape. I see no reason to disagree with this conclusion. However, this does not outweigh the harm to living conditions I have identified.
8. For the above reasons, I conclude the living conditions of future occupiers would not be acceptable in terms of internal space and layout. This is contrary to Policies 4 and 9 of the London Borough of Bromley Local Development Framework Local Plan (BLP), Policy D6 of the LP, the 'Technical housing standards – nationally described space standard' and the National Planning Policy Framework (the Framework). These policies set minimum standards for internal space provision in new dwellings. They also require developments to be well-designed and provide a high-quality living environment for future users, with comfortable and functional layouts. It would also conflict with the LP Housing Supplementary Planning Guidance, which advises that development should meet the nationally described space standard.

Highway safety

9. The appeal site is at the end of a single-carriage access road perpendicular to Wellington Road. It is not a through-road but serves six existing houses, most of which use their short front gardens for off-street parking. The host dwelling for the appeal proposal, No 56, has a separate garage fronting onto the end of the access road. There is very limited space for cars using the access road to turn, including those accessing No 56. Consequently, some cars must enter or exit the access road in reverse gear, for at least part of its length.
10. To reverse safely, a driver needs to be able to see the danger area at the rear of the vehicle. Visibility on the access road is restricted by its narrow width, planting in front gardens, a lack of street-lighting and a slight bend near the junction with the main carriageway. These existing circumstances present risks to the safety of vehicles, pedestrians and vulnerable road users on the access

road or entering/exiting houses, particularly at night. These risks are aggravated by the access road's uneven surface.

11. The appeal proposal would increase the number of houses using the access road by one. No 56 already has a garage and space for another car to park, so I note there would not be an increase in off-street parking spaces over the current provision. I also note the LP residential parking standards in this location. Be that as it may, two households would reasonably be expected to generate more car movements than the one existing household. This is particularly so given the Public Transport Accessibility Level (PTAL) of the site is relatively low (PTAL 2), resulting in a greater level of car use.
12. A turning space for the new house is proposed but this would be very tight and blocked by a car using the parking space for the existing house. At least some cars arriving at or leaving the new house would therefore have to travel the length of the access road in reverse gear. This would add to the number of manoeuvres of this type, thereby aggravating the existing risks to highway safety for vehicles, pedestrians and vulnerable road users.
13. It has been put to me the cars using the access road do so at low speed and with caution. It is further argued pedestrians and other road users anticipate vehicles entering and leaving and react accordingly. Whilst this may be the case on many occasions, these behaviours cannot be always guaranteed. Indeed, some road users, such as children or those with limited vision, would find it much harder to anticipate dangers in this way. Consequently, the risks remain and would be increased by the proposal.
14. I note there is little use of the access road itself for parking, so this does not aggravate the risks to safety. Nevertheless, the dangers on the access road identified above exist even without cars parked on it. I also note the suggestion of restricting future occupiers of the new house from obtaining an on-street parking permit. However, this would not prevent them using the dedicated off-street space proposed, so would not reduce the harm identified.
15. For the above reasons, I conclude the proposal would have a harmful effect on highway safety, with particular regard to parking and access. This is contrary to Policy 32 of the BLP, which seeks to ensure development does not have a significant adverse effect on road safety. It is also contrary to paragraph 111 of the Framework, which states development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

16. The proposal would make a modest contribution of one dwelling to the supply of housing. This would help to meet London's housing needs by developing a small site, as supported by Policy H2 of the LP. The delivery of one house would also contribute to local economic growth during the construction process and through future occupiers' use of local services and facilities. These benefits of the proposed development are considered in the overall planning balance below.
17. No 54a is a similar house to the proposal in this appeal, added onto the opposite end of the original semi-detached pair of houses. I am not aware of the full details of that development. However, I note from the information before me some differences between its design and that of the appeal proposal.

This includes a somewhat different room layout, an additional window on the ground floor, and different parking arrangements. In any case, the circumstances of each site and proposal are different and each application and appeal must be considered on its merits.

Planning Balance

18. The Council accepts its current five-year housing land supply stands at 3.99 years, which represents a shortfall. Paragraph 11(d) of the Framework states that, where the policies which are most important for determining an application are out-of-date (which includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), 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. The Framework is a material consideration of great weight.
19. Given the harm to living conditions and highway safety I have identified, I conclude the proposal conflicts with a number of policies in the development plan. These harms also result in conflicts with the Framework for the reasons given above. I attribute moderate weight to the benefits of the proposed development set out in other matters. However, I consider the adverse impacts of the proposal arising from the harm to living conditions and highway safety would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

20. Therefore, the conflicts with the policies of the development plan set out above lead me to conclude there is conflict with the development plan as a whole. There are no other material considerations, including the Framework, to outweigh that conflict. For these reasons, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR