



Appeal Decision

Site visit made on 4 July 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/G5180/W/22/3313311

103C Peacock House, Station Road, West Wickham, Bromley BR4 0PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Ila Vashee against the London Borough of Bromley.
 - The application Ref DC/22/01636/FULL1, is dated 14 April 2022.
 - The development proposed is formation of a mansard pitch roof to existing flat roof at 103c Station Road to incorporate two-1 x bedroom flats which will include internal and external alteration and part demolition.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Mrs Ila Vashee against the Council. This application is the subject of a separate decision.

Main Issues

3. Although the appeal is against non-determination, the Council has given the reasons why planning permission would have been refused had the application still been within its remit to determine.
4. Based on the statement submitted by the Council, and my observations on site, the main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety with regard to the adequacy of off-street car parking provision and the potential for displacement of vehicles onto the public highway; and
 - the effect of the proposal on the living conditions of the occupiers of 103 and 105 Station Road with particular reference to light and outlook.

Reasons

Character and appearance

5. The appeal site is a three storey residential, flat-roofed building located directly to the rear of terraced buildings fronting Station Road. The properties on Station Road surrounding the appeal site are in a mix of commercial, restaurant and retail uses, although there are residential units on the upper

floors of a number of the properties. Immediately to the front of the appeal site is a large car park.

6. Given the host building's location to the rear of Station Road, the proposal would be visible in various public views from the front and side of the property. Whilst it would not be visible in public views from Station Road itself, it would be visible from the rear windows of a number of properties on Station Road.
7. The neighbouring properties on Station Road have a regular roofscape which is two storeys in height, albeit several have dormer windows providing additional accommodation at roof level. The proposal's increase in height would alter the relationship of the appeal building with its surroundings by extending further above the two-storey roofscape of Station Road. As a result, it would be noticeably taller than the adjacent buildings and would appear overly prominent and jarring.
8. The proposal would have minimal setback from the front or rear elevations. Furthermore, the large, wide dormer windows to the front of the proposal would have minimal separation from each other, would span nearly the whole width of the property and would extend almost up to the ridge of the roof. As a result, the proposal would be a particularly bulky addition, which would sit uncomfortably and would give the host building a top heavy appearance.
9. From the evidence before me, the proposed design is not of such a level of architectural design quality as to constitute a unique and enhancing addition to the surrounding area. Along with its excessive overall height, the proposal would create a building which would dominate the locality and draw attention to its incongruous design in relation to the two storey scale of the terraced properties on Station Road.
10. I recognise that the appeal property is not within a conservation area and is not designated as an asset of particular importance. Similarly, I recognise that the proposed materials would match the existing materials on the appeal building. However, while this would be acceptable it would not mitigate the harm caused by the height and bulk of the proposed extension.
11. My attention has been drawn to examples of planning permissions for roof extensions in a variety of locations, some of which are a significant distance from the appeal site. Of those which are close to the site, they appear to relate to roof extensions to host properties with a very different character to the appeal site, and are therefore not directly comparable. In any event, each case must be considered on its own merits.
12. I therefore conclude that, because of the height, bulk, and massing of the additional floor, the proposal would be harmful to the character and appearance of the host building and surrounding area. Therefore, in this respect it would be contrary to Policies 4 and 37 of the Bromley Local Plan (2019) (BLP) which, amongst other things, identify urban design principles including the need to respond to the surrounding context and enhance the character and appearance of the local area.

Highway safety

13. The appellant comments that the site is within an area of good accessibility, within walking distance of a town centre, and served by various bus routes. It is also near to West Wickham Railway Station. However, the site has a Public

Transport Accessibility Level of 2 (PTAL), which does not indicate a good level of access to public transport.

14. The submitted drawings indicate that the proposal would not provide any off-street car parking. BLP Policy 30 requires a minimum parking provision, for a proposal of this nature in PTAL 2, of 1 space per unit. The Council also refer to Policy T6.1 of the London Plan (2021) (LP) which suggests that for developments in Outer London within PTAL 2 areas, 1 and 2 bedroom properties should provide up to 0.75 spaces. In the absence of sufficient and suitable off-street parking space, this demand would need to be accommodated on the public highway.
15. The Council state that the local area already experiences high parking demand. On my visit, which I acknowledge is a snapshot in time, I experienced the surrounding parking areas to the rear of properties on Station Road to be heavily parked during mid-morning on a weekday.
16. The demand from the occupiers of the new residential units would increase the existing levels of parking stress. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. There is little evidence to suggest that such circumstances could be avoided by the appeal proposal. Furthermore, no evidence, such as a parking survey, has been provided to demonstrate that sufficient on street parking capacity exists to accommodate the demand of future occupiers.
17. For the above reasons, I conclude that the proposed development would harm highway safety with regard to the adequacy of the parking provision and the potential for the displacement of vehicles on to the public highway. I therefore find that it conflicts with BLP Policies 30 and 32. Amongst other aspects these policies require that particular attention be given to highway capacity, parking provision and safety.

Living conditions for neighbouring occupiers

18. No's 103 and 105 Station Road are located directly to the rear of the appeal site. During my site visit, I observed that both properties appeared to be in residential use across first and second floor levels. Both properties have windows at first and second floor level which appear to serve habitable rooms and which face directly towards the rear of the appeal site. As the host building's rear elevation is built along the shared boundary with No's 103 and 105, views from these windows would look directly towards the proposal's rear elevation with minimal separation distances.
19. The host building is already significantly taller than the neighbouring properties' first floor windows. Whilst the proposal's roof would pitch away from the windows, it would have minimal set back from the rear elevation. Overall, the proposal would add significant additional height and bulk to the host building. Due to its proximity and minimal separation distance from the neighbouring properties' windows, it would be a dominant and oppressive feature for neighbouring occupiers when viewed from the first floor windows of No's 103 and 105.
20. The presence of a roof extension of this depth, height and with limited separation would also overshadow No's 103 and 105's first floor rear windows

during the morning period, and potentially for longer periods during the winter months. Overall, in the absence of substantive evidence to demonstrate otherwise, I find that the extension, due to its height and proximity, would reduce the amount of daylight and sunlight reaching the neighbouring accommodation. This would have a harmful effect on the living conditions of neighbouring occupiers.

21. For the above reasons, I conclude that the proposed extension would harm the living conditions of the occupiers of 103 and 105 Station Road, with particular reference to outlook and light. I therefore find that it would conflict with Policies 4 and 37 of the BLP. Amongst other aspects, these seek to protect the living conditions of occupiers of neighbouring adjoining properties.

Other Matters

22. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this Decision.
23. In considering the potential benefits of the proposal, I note the Council's housing targets for the delivery of homes during the plan period and in particular the role that windfall sites, as well as intensification, and small sites in particular can play. I also note that the appeal site is in an accessible location and that the proposal would represent a more efficient use of the land. Furthermore, the scheme would be located on previously developed land which the National Planning Policy Framework (2021) (Framework) and the LP seek to encourage. The appellant also indicates that the proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. These matters weigh in favour of the development.
24. I acknowledge that residential development in this location is acceptable in principle. The proposal may be compliant with various other provisions of the development plan, for instance providing an acceptable standard of residential accommodation. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.

Planning Balance and Conclusion

25. The appellant and Council agree that the Council is unable to demonstrate a five year housing land supply. As a consequence of the housing supply position, paragraph 11(d) of the Framework is triggered as the policies most important for determining the proposal are out of date. Paragraph 11(d)(i) is not relevant as there are no policies in the Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, paragraph 11(d)(ii) states 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 taken as a whole.
26. The Framework expects development to safeguard and improve the environment, ensure safe and healthy living conditions for nearby occupiers, whilst ensuring that development does not have an unacceptable impact on highway safety. Policies 4, 30, 32 and 37 of the BLP are therefore consistent with the Framework. Even taking into account the Council's failure to deliver

sufficient housing, the conflict between the proposal and the development plan should be afforded weight.

27. Set against the harm identified there would be limited benefits associated with the proposal, such as making an efficient use of the site. Two additional residential units weigh in the proposals favour. However, in my view, the adverse impacts on the character and appearance of the area, highway safety and the living conditions of existing occupiers that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
28. The harm that I have found leads me to conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR