



Appeal Decision

Site visit made on 25 July 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/G5180/W/23/3314850

113A Mackenzie Road, BECKENHAM, BR3 4SB

- 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 Barrie Hambleton against the decision of London Borough of Bromley.
 - The application Ref 22/01701/FULL1, dated 25 April 2022, was refused by notice dated 27 October 2022.
 - The development proposed is the enlargement and conversion of an existing basement to form a 1 bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the flat proposed would provide good living conditions for the prospective occupier; and
 - The effect on the character and appearance of the host building and local area.

Reasons

Policy context

3. The Council agrees that it cannot demonstrate a five year supply of new housing sites at the moment in accordance with part of the National Planning Policy Framework (the Framework); it only has a 3.99 year supply. Therefore, paragraph 11(d) of the Framework is engaged in this case and policies that restrict the supply of housing should be considered as out of date.

Background

4. The appeal site comprises a three-storey detached building which sits slightly above road level alongside a terrace of other houses and close knit 'semis'. These are mainly two storey in height although there is some break in the roof ridges because of the general slope of the street and some properties have gables to the front. There is a low basement below the property and it is proposed to excavate this further to form a small single bedroom flat. A pedestrian access would be obtained by excavating the front 'garden' and providing steps down to courtyard area and separate front door.

Living conditions

5. The Council accepts that the proposed flat is of an overall size that meets the minimum standards for a single person flat. Its objection relates to the quality of the space and in respect of the policies and supplementary guidance (SPG) related to the London Plan and Bromley Local Plan. These issues of quality mainly concern ceiling heights; aspect from the flat and daylight/sunlight.
6. The submitted section through the proposed flat shows that the overall ceiling height would be 2.4m compared to that prescribed in the London Plan of 2.5M for at least 75% of the floor area. Although a relatively small difference, the low ceiling height, in combination with the effects mentioned below, is likely to give the occupier of the flat a relatively claustrophobic feeling.
7. In terms of outlook and aspect, I note that the proposed bedroom of the flat is situated at the rear away from the front facing windows, however it is proposed to have a light well to provide some daylight into the bedroom. This would be sited within the passageway that runs alongside the neighbouring property No.115. It lies outside the application site and the control of the appellant and therefore a condition cannot be imposed on any permission to require the provision and retention of the light well. In the absence of any other legal mechanism, the lightwell cannot be relied on in perpetuity. I therefore have concerns over the bedroom having any daylight.
8. In terms of outlook the guidance in the London Plan and SPG highlight the problems associated with single aspect dwelling particularly where these are north facing. In this case the front windows in the flat would face north -west. Moreover as the windows would be below street level their aspect would be towards and close to the walls enclosing the proposed lower terrace. Given the orientation of the site and the ground levels I am concerned that the flat would not get direct sunlight and even general daylight would be severely restricted.
9. Overall on this issue I find that the proposed flat would not provide reasonable living conditions for the occupier and so the proposal would conflict with the provision of Policy D6 of the London Plan particularly Part D, and Policy 4 of the Local Plan especially part (b).

Effect on character and appearance

10. The Council is concerned that the formation of the basement elevation will make the property appear four stories high and look out of place in the street scene. However, there will be no increase in the overall height of the building, which already stands out in the street scene, and I am not convinced that a basement elevation will be a prominent or alien feature. It would mostly be below pavement level and views of it would be limited to people walking very close by.
11. In forming this judgment I have taken account of the basements that exist at No.s 121/123 and 64/66 in the same street. These basements are more prominent as the ground floor levels are higher from the pavement than the appeal site, and therefore result in a flight of steps up to the ground floor front door. Nevertheless, these elevations do not appear out of place in the street scene or harm the general character of this attractive residential street.
12. I find that the proposed basement elevation would not harm the character or the appearance of the host property or its setting in the street scene of

Mackenzie Road. As such there is no conflict with Policy D3 of the London Plan in terms of responding to local distinctiveness or Policy 37 of the Bromley Local Plan about contributing to the general street scene.

Planning balance

13. The appeal needs to be considered in the context that the Council cannot demonstrate an adequate supply of new housing sites at the moment and this limits the weight that can be given to policies that restrict housing supply.
14. On the main issues while I have found that the alterations to form the new basement flat would not harm the character and appearance of the host building and its setting in the street scene, I have found that the details of the proposal would not result in an appropriate residential environment. The flat would have restricted height and a very restricted aspect with little sunshine and daylight. The proposal therefore conflicts with the policies mentioned above. Moreover, the proposal would not result in a high quality place to live as set out in section 12 of the Framework and so the proposal would be at odds with the social objective of sustainable development.
15. Although the proposal would make full use of land already developed and in a sustainable location, overall, I find that the poor living conditions for the flat's occupier are a significant adverse effect which is not significantly and demonstrably outweighed by any of the benefits of development including its very limited contribution to housing supply.

Conclusion

16. For the reasons given above I conclude that the appeal should not be allowed.

David Murray

INSPECTOR