



Appeal Decision

Site visit made on 10 July 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2023

Appeal Ref: APP/G5180/W/23/3315152

10 Copers Cope Road, Beckenham, BR3 1NB

- 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 Durmus Ergen against the decision of the London Borough of Bromley.
 - The application Ref. DC/22/01183/FULL3, dated the 15 March 2022, was refused by notice dated the 7 December 2022.
 - The application is for erection of a 3 storey rear/side extension and conversion of hotel into 8 x self-contained flats comprising of 4 x 2 bedroom and 4 x 1 bedroom units.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal ref: APP/G5180/W/23/3315153 on this site. That appeal is the subject of a separate decision.

Main Issues

3. The main issues are: (a) the effect of the development on the character and appearance of the area; (b) whether the development secures a good standard of quality accommodation for future occupiers; and (c) the effect of the development on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The appeal site is located on the northern side of Copers Cope Road and comprises a four storey end of terrace property that is currently used as a hotel. The frontage is set aside for parking and a long rear garden includes a large outbuilding that is used as ancillary accommodation to the hotel. The surrounding area comprises a mixture of houses and flats. To the east and part of the same terrace as the appeal site, is Regents Court and then Osprey Court, both of which are four storeys, divided into flats and date from a similar period to the host property. To the west is a detached four storey block of flats that appears to date from the 1970's, known as Sinclair Court.
5. The appeal proposal involves converting the host property into 8 self-contained flats, facilitated by the erection of a three storey side/rear extension. The existing parking area at the front would be retained, albeit reconfigured and the outbuilding in the rear garden made available to the occupiers of the flats

- as a gym and office, reflecting its current use. The new three storey extension would be built over part of the footprint of an existing basement extension.
6. Based on my observations on site, I concur with the Council that there is a certain symmetry to the properties within the small terrace that the appeal site forms part of, with the host property and Osprey Court acting as end buildings either side of Regents Court. This is reflected in the fact that both of the former buildings are set back from the road and include similar roof turret features. This symmetry is also, to a lesser extent, reflected at the rear and whilst Osprey Court has been extended, the latter is set back from the street and has a limited rear projection. A central four storey extension to the rear of Regents Court also has a limited rear projection (depth). Overall, large elements of the original form, design and massing on the rear and front elevations to the terrace remain.
 7. Within the above context, the proposed width, depth and height on the new extension would, in my view, be excessive. Whilst the footprint of the lower part would largely be formed over part of the existing basement extension, the proposal would introduce a substantial scale, mass and quantum of building on the ground, first and second floors, topped with a large hipped roof. As a consequence, the proposed extension would be highly visible from surrounding properties, in particular from Sinclair Court. The result would be an extension that is neither subservient nor proportional to the host property, and a discordant feature that would be out of keeping with the host and out of character with the rhythm and pattern of built development at the area.
 8. Whilst I accept that policy 8 of the Bromley Local Plan (January 2019) (BLP) refers to a minimum gap of 1 metre being retained between new extensions over two storeys and side boundaries with adjoining properties, which would be met in this case, the policy also refers to the need to provide a more generous side space where higher standards of separation already exist. The gap and space that separates the host property from Sinclair Court falls, in my view, into the latter category and assists in creating a high level of visual amenity and openness for existing occupiers and the wider area. In this respect, the proposed extension would reduce the space around the host and result in a cramped appearance and inappropriate building relationship with adjoining buildings. The retention of the space about the host is important in ensuring that the character of this residential area is protected and maintained. For these reasons, the proposal would be contrary to policy 8.
 9. Accordingly, whilst I accept that the proposed extension would lead to the more effective use of the host building, I find that the proposal would cause significant harm to the character and appearance of the host property and surrounding area contrary to policies H2, D3 and D6 of The London Plan (March 2021) (TLP) and policies 4, 8 and 37 of the BLP. These seek, amongst other requirements, to ensure that new development follows a design led approach, that its form and layout responds to local distinctiveness and character, that it respects existing development patterns and spatial standards, and that its design complements the scale, proportion and layout of adjacent buildings.

Standard of accommodation – future occupiers

10. Although the Council recognise that the size of the proposed residential units would be acceptable and would meet the relevant standards, they contend that the layout of a number of the proposed units relative to their external

environment would impact on the quality of accommodation proposed. I concur with the Council's findings in this respect. There are a number of deficiencies with the submitted layout, which include: the single aspect flats, such as units A and B and those facing the road on the upper floors, that have deep room layouts and poor aspect, outlook and light; flats with habitable rooms and corridors that have no external windows and would be entirely reliant on artificial light; flats at the rear that are only dual aspect due to side bedroom windows that overlook existing windows in Sinclair Court; and, poor outlook and light to flat B due to the constraints of the existing lightwell and poor external environment due to the adjacent car park.

11. I also agree with the Council that it is the cumulative impact of the deficiencies that results in a number of the new units failing to provide a satisfactory layout and standard of good quality accommodation for future occupiers. I note that the Appellant contends that the light and outlook to the proposed basement unit is not uncommon, but provide no substantive evidence to support that statement. Even if such examples did exist they would not provide any justification for accepting the poor quality of accommodation proposed.
12. The Appellant also refers to the use of light tubes within rooms as a common approach, but provides no further evidence of how these would work in practice or could be incorporated within the proposed layout. Even so, the fact that their use is being suggested supports my findings that a number of the units would have a restricted and poor access to sunlight and daylight. Moreover, none of these deficiencies are matters that could be controlled by conditions as they raise issues concerning the acceptability of the proposed quantum and layout of the accommodation being sought and compliance, in this respect, with the relevant guidance, standards and policies of the development plan.
13. Accordingly, for all the above reasons, I find that the appeal proposal would fail to provide a satisfactory layout and standard of good quality accommodation for future occupiers contrary to policies D3, D6 and H2 (design led approach, housing quality & standards, small sites) of TLP and policies 4 and 37 (housing design, general design of development) of the BLP.

Living conditions - neighbours

14. As I confirmed above, the proposed upper floors of the new extension would extend close to and along part of the side boundary with Sinclair Court. As such, it would be highly visible from the side windows and communal amenity area to Sinclair Court. As the evidence before me confirms and as I observed on site, there are a number of windows within the side elevation to Sinclair Court that serve both kitchens and bathrooms. From, in particular, the kitchen windows and to a lesser extent the communal amenity area, the combined height, depth, massing and scale of the proposed extension would appear excessive and would be visually dominant, resulting in an overbearing impact on the neighbouring occupiers living conditions. Moreover, the height, depth, rearward projection and close proximity of the proposed extension, would impact on the light and outlook to the side windows to Sinclair Court, harming the living conditions and amenities that the occupiers currently enjoy.
15. Turning to the proposed upper floor units on the rear, these would include windows in the side elevation (to serve bedrooms within the respective units). These windows would afford direct views into the side windows of Sinclair Court, where no such views exist at present, resulting in an unacceptable loss

of privacy to the occupiers of those flats. The Appellant suggests that these concerns could be mitigated by the new windows being obscure glazed and fixed shut below a height of 1.7 metres from the floor. However, all of these windows serve bedrooms where you would not expect such mitigation to be necessary for a principal habitable room, bearing in mind that it is only the presence of these windows that results in those units being dual aspect. Even so, I am also not convinced that such measures would take away the perception of being overlooked. In addition, the need for these measures appears to support my findings in relation to the restricted aspect and outlook from some of the units and thus the overall poor standard of the proposed accommodation.

16. Accordingly, I find that the proposed extension would result in significant harm to the living conditions of neighbouring occupiers contrary to policy D3, D6 and H2 of TLP and policies 4, 8 and 37 of the BLP. These seek to ensure, amongst other requirements, that new development does not cause unacceptable harm to the living conditions of existing occupiers.

Planning balance and conclusions

17. The Council acknowledge that they are unable to identify a 5-year supply of housing land and that the relevant housing policies of the development plan are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
18. The appeal proposal would boost housing supply in a sustainable and accessible location, make more effective use of the building and generate short term employment during construction, benefits that are supported by other policies in the development plan and Framework. Even so, the adverse impacts of the appeal proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers would be significant. The failure of the proposed layout to also meet relevant policy requirements in relation to the standard of good quality accommodation sought for future occupiers further accentuates the harm that would arise from the proposal and the overall unacceptability of the appeal scheme.
19. In my view, the harm I have identified would significantly and demonstrably outweigh the benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
20. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR