



Appeal Decision

Site visit made on 21 September 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/G5180/W/23/3318691

121-123 Croydon Road, Bromley, Beckenham BR3 3RA

- 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 Neil Patel against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/04104/FULL1, dated 17 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is a part single, part two storey rear extension to shop at 121-123 Croydon Road, for use as a shop store room at ground floor and 2 x new 1-bedroom self-contained flats at first floor, including internal and external alterations and demolition.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A daylight and sunlight report dated 8 March 2023 has been submitted in support of the appeal scheme. This was not submitted as part of the original planning application. Nonetheless, the appeal procedure has provided an opportunity for the parties to comment on that assessment, and I have taken account of all the evidence submitted in relation to this in my determination of this appeal.

Main Issues

3. The main issues are:
 - i) Whether the proposal would provide a suitable standard of accommodation for existing and future occupiers of the appeal site, in respect of outlook, amenity space, privacy and natural light; and
 - ii) The effect of the proposal on the character and appearance of the local area.

Reasons

Standard of accommodation

4. Amenity space for the proposed units would take the form of modest balconies at the rear of the site. These would be situated adjacent to the road to the rear and the commercial yards either side. There would be pedestrian and vehicular traffic in proximity, together with commercial activities associated with the

yards. This would result in noise disturbance and would affect privacy as there would be some views of the amenity space from the road. Notwithstanding these limitations, the amenity areas would provide sufficient space for sitting out or hanging washing. As the proposed units are both 1-bedroom, and of a limited scale, the private amenity space in this case would be proportionate and appropriate for the size of the units. In addition, there are two examples of public amenity space close by, with Elmer's End Green a 2-minute walk and Stanhope Recreation Ground a 10-minute walk. I therefore find that the amenity space proposed would be acceptable.

5. Bedrooms would face back towards the existing 3 storey building including the existing residential accommodation. This would therefore allow for intervisibility between the rear amenity space for the existing upper floor flats, as well as rear facing living room windows to a lesser extent and the rear bedroom windows within the new flats. The views from the proposed bedroom windows would be at an oblique angle but within very close proximity. The proposed development would occupy the full width of the appeal site. I have had regard to the possibility of erecting boundary treatments such to provide a greater degree of privacy, however, I cannot be satisfied that a suitable level of privacy could be achieved without compromising other aspects of amenity including light and outlook. The lack of privacy for the existing and proposed first floor residential units, would be particularly severe due to the lack of vertical separation.
6. The submitted daylight and sunlight report provides an assessment of daylight, sunlight and overshadowing to the proposed residential units. The report concludes that both proposed flats, together with their associated amenity space would accord with the BRE guidance and concludes that the proposed development would provide adequate levels of sunlight and daylight. There is no contrary evidence in respect of daylight and sunlight, to justify taking a different view.
7. The daylight and sunlight report does not provide an assessment of the effect of the development upon existing residential units. Nonetheless, I note that the submitted plans demonstrate that the proposal would accord with the 25-degree guidance. This indicates that sunlight and daylight to the existing residential units would not be adversely affected by the proposal.
8. The flats within the existing building currently benefit from an open aspect across the flat roofed rear projection. There are also modest amenity areas to the rear of the building. The first-floor amenity spaces and rear facing rooms would experience a reduction in outlook due to the close proximity of the proposed dwellings, which would also result in a harmful sense of enclosure. As such the proposal would result in a significant adverse change compared with the existing setting.
9. My attention has been drawn to other developments for similar new dwellings, including at 141-143 Croydon Road. In terms of assessing matters relating to the standard of accommodation, the site context together with the individual layout and form are not comparable to the appeal scheme. I have assessed the proposal on its own individual merits.
10. Given the above, I find that the proposal would fail to provide a suitable standard of accommodation for existing and future occupiers, with particular regard to privacy and outlook. The proposal would therefore conflict with Policy

37 of the Bromley Local Plan (BLP), insofar as it relates to the standard of accommodation. This policy seeks, amongst other matters, to ensure that new development respects the amenities of neighbouring buildings and future occupants. These same principles are reflected in Policy D3 and D6 of the London Plan (2021).

11. The decision notice also refers to Policy 4 and 9 of the BLP. Policy 9 relates to residential conversions and the relevance of this policy to the appeal scheme has not been substantiated. This has not therefore been determinative to the appeal. Policy 4 of the BLP seeks to control matters which include the provision of sufficient external, private amenity space. Having regard to my findings above, there would be no conflict with this policy.

Character and appearance

12. The appeal site comprises a three-storey building with a commercial use at ground floor and residential units on the upper floors. There is an existing rear projection at ground floor associated with the commercial use as well as a small yard. The appeal site is part of a terrace of properties which are of a similar scale and use. The character of the area rear of the terrace is heavily influenced by the commercial yards, the access road to the rear and a nearby car park.
13. The proposed first floor development would be subordinate in height to the existing three storey building. Nonetheless, there is generally an absence of any other comparable first floor developments within the immediate surroundings, although I accept there is similar first floor development, at the end of the terrace by Dudley House and the Dunbar Avenue junction. The central position of the appeal site within the terrace would result in a greater visual impact, due to the greater degree of openness around it. Nonetheless, although the proposed additional storey would be a noticeable change, this does not necessarily denote harm. The proposed development would provide greater uniformity in terms of materials and building form, thereby delivering a visual improvement when compared to the existing mismatch of buildings to the rear.
14. The development would appear domestic in appearance rather than commercial. Nonetheless, the proposal would not alter the balance of existing uses which would retain commercial development at ground floor. As there is existing residential development at first floor and above, a more domesticated appearance at ground and first floor would appear in keeping with its surroundings.
15. Having regard to the above, I am satisfied that the proposal would be acceptable in terms of its effect upon character and appearance. The proposal, would therefore accord with Policies 4 and 37 of the Bromley Local Plan (BLP) and Policy D3 of the London Plan (LP). These policies taken together, seek amongst other matters, to ensure development follows a design led approach to maximising sites capacity for growth, whilst ensuring new housing achieves a high standard of design and layout which complements adjacent buildings and areas.

Planning Balance

16. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. As such, paragraph 11dii in the National Planning Policy Framework (the Framework) applies. The Council has a supply of 3.99 years, which amounts to a significant undersupply.
17. The scheme would deliver improvements to the ground floor commercial premises including improving its efficiency; the provision of two additional houses at a time when there is a significant undersupply in housing in the Borough; as well as economic benefits from the construction process. However, as the proposal is for two dwellings, the proposals contributions in this regard would be small. Further, benefits arising from the construction process would be temporary and therefore only attract moderate weight. In respect of the commercial premises, there is no substantive evidence as to the scale of the benefits proposed, or indeed that the same benefits could not be achieved by other means. As such, I attach moderate weight to the benefits that would be brought about by the additional dwellings and improvements to the commercial premises.
18. The harm identified by way of insufficient amenity space for current and future occupants of flat 3, together with the harmful living conditions for future occupants of the proposed house, would be significant. My finding that the proposed development would not harm the character and appearance of the local area does not deflect from this. When assessed against the policies in the Framework taken as a whole, the adverse impacts significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

R Lawrence

INSPECTOR

