



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: 26th October 2023

Appeal Ref: APP/G5180/W/23/3317625

2 Ravens Gate Mews, Meadow Road, Bromley BR2 0BY

- 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 Dr Attaran against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/04445/FULL1, dated 15 November 2022, was refused by notice dated 16 February 2023.
 - The development proposed is a loft conversion incorporating an increase in roof height, three front dormers, three rear dormers, one side dormer and one side rooflight.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policy 39 of the Bromley Local Plan (2019) (LP) is included on the decision notice; however, the Council has indicated this was included in error and is not relevant to the appeal. The policy relates to locally listed buildings, there are no submissions indicating the appeal property is locally listed and as such this policy has not been determinative to the appeal.
3. The decision notice makes reference to SPG 2 Residential Design Guidance. This guidance was subsequently withdrawn and replaced on the 5 July 2023, with the Urban Design Guidance SPD, a copy of this has been submitted. I have therefore had regard to this guidance, insofar as it is relevant to the appeal scheme.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the host property and surrounding area, including whether the proposal would preserve or enhance the character or appearance of the Shortlands Village Conservation Area; and
 - The effect of the development on the living conditions of the occupiers of neighbouring properties within Ravens Gate Mews, in respect of outlook and visual amenity.

Reasons

Character and appearance

5. The appeal site comprises a flatted two storey building located within the Shortlands Village Conservation Area (SVCA). The SVCA's significance can be summarised as providing a reflection of a modest railway village with artisan housing for those on low incomes, including illustrating the history of the development of the area. The appeal site is located within a row of modest artisan Victorian style housing which makes a positive contribution to the SVCA.
6. The site is at the edge of a row of housing on Meadow Close and a mixed-use area including commercial and residential development on Beckenham Lane. The appeal building is modern in appearance compared with other housing on the road, nonetheless it is of a relatively modest scale and its shallow pitched roof form is sympathetic to the character of the road. The proposed mansard roof form would involve an increase in height and a change in form that would appear unduly bulky, in comparison to surrounding properties. The mansard roof form would appear as an alien feature within the street, which comprises traditional properties with modest pitched roofs. The effect would be a harmful change to the character and appearance of the host dwelling, which would undermine the traditional character of this part of the Conservation Area.
7. The site is close to the junction of Beckenham Lane which is characterised by commercial uses at ground floor. The appellant has drawn my attention to a number of examples of larger buildings with flat or mansard roof forms, including on Beckenham Lane and Martins Road. However, the design and location of these examples are materially different to the appeal scheme, which is modest in form and more closely surrounded by adjacent built form. In any event, these examples are very much in the minority rather than being characteristic of the area and it is notable that they appear to have been constructed prior to the designation of the SVCA.
8. There are also a number of rear facing box dormers which have been highlighted to me. Unlike the appeal scheme, these are situated to the rear of the host properties and so are less visible from the street. The Council also state that there were constructed under permitted development rights and so they did not require planning permission. They are not therefore directly comparable to the appeal proposal. For these reasons, the examples do not set a precedent for the proposal which I have assessed on its' own merits.
9. The appeal site forms part of a designated Conservation Area, which is a Heritage Asset. Policy HC1 of the London Plan is therefore clearly relevant to the appeal proposal, and I have assessed the development against its requirements. I acknowledge, however, that Policy 8 of the Local Plan is not relevant as the appeal property is already built right up to its site boundaries.
10. For the above reasons, I conclude that the development would harm the character and appearance of the host property and surrounding area and would fail to preserve the character and appearance of the SVCA. This harm would be 'less than substantial' in the context of Paragraphs 201-202 of the National Planning Policy Framework ('the Framework'). However, there are no public benefits that would outweigh the harm in this case.

11. The development would therefore be contrary to Policies 6, 37 and 41 of the Bromley Local Plan (LP); HC1 of the London Plan, and guidance contained within the Urban Design Guidance SPD (2023). These policies and guidance seek to ensure that development is of a high standard of design, preserves and enhances the characteristics and appearance of Conservation Areas, and ensure that proposals respect the characteristics of the host dwelling. It would also be at odds with the Framework relating to designated heritage assets.

Living conditions

12. To the rear of the appeal building lie Nos 3-5 Ravens Gate Mews. The front elevations and primary habitable windows face towards the rear elevation of the appeal scheme. These neighbouring properties have modest amenity space areas to the front which also have direct views of the appeal property. They are separated from the appeal property by a shared parking area which results in limited privacy within the front amenity spaces, and habitable rooms, due to neighbours and cars passing by. There is a high degree of intervisibility between the appeal property and these neighbouring properties.
13. The proposed mansard roof would increase the height of the appeal property and would increase the number of windows facing towards Nos 3-5. The increased height and bulk of the roof form would increase the prominence of the roof, and in turn would obscure outlook towards the sky and surrounding roofscapes to a limited degree. However, there is a good separation distance between the appeal property and Nos 3-5, in this context the limited obscuring of the skyline would avoid a harmful effect by way of dominance or visual intrusion. Similarly, having regard to the extent of the increase in height, the separation distance would be sufficient to avoid an undue overbearing or enclosing impact.
14. The Council makes reference to concerns in respect of light and privacy within its' delegated officer report, although it did not find sufficient harm such to justify including within a reason for refusal. From my own observations, I note that privacy within the small amenity areas and front facing rooms, is limited by the shared use of the courtyard and parking area, as well as intervisibility between properties. As such, the addition of further windows within the appeal property, which already contains rear facing windows, would not harmfully alter this position. Given there would be a good separation distance to the neighbouring properties, there would not be a harmful effect by way of loss of sunlight or daylight.
15. Having regard to the above matters, I conclude that the proposal would be acceptable in respect of its effect on the living conditions of occupiers of neighbouring properties within Ravens Gate Mews, in respect of outlook and visual amenity. The proposal would therefore accord with LP Policy 37, insofar as it relates to living conditions. The policy, amongst other matters, seeks to ensure development respects the amenity of occupiers of neighbouring buildings. LP Policy 6 – residential extensions, is also listed, however, this relates to character and appearance matters rather than effects on living conditions. As such, I find no conflict with this policy.

Conclusion

16. For the above reasons, I conclude that the appeal should be dismissed.

R Lawrence

INSPECTOR