



Appeal Decision

Site visit made on 13 November 2023

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/G5180/W/22/3307938

Alliance House, 29 London Road, Bromley BR1 1DG

- 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 Philip Weisberg Ltd against the London Borough of Bromley.
 - The application Ref DC/22/01559/FULL1, is dated 8 April 2022.
 - The development proposed is reconfiguration of existing car park, part demolition of existing office building, construction of a new storey comprising office space (use class E(g)(i) at roof level and the erection of a residential block of 8 flats to the rear with associated car parking, cycle spaces, refuse storage and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council failed to determine the application during the required timeframe. It has however produced a list of draft reasons for refusal. I have taken these into account in defining the main issues below.

Main Issues

3. The main issues are:
 - whether the loss of office space would be acceptable;
 - whether the level of proposed parking would be appropriate;
 - the effect of the development on the character and appearance of the area; and
 - whether the proposed flats would provide acceptable living conditions for future occupants in relation to floorspace.

Reasons

Economy

4. The appeal property is a roughly T-shaped office block which was constructed during the 1960s. Though the proposal would include the addition of a new floor of office accommodation at roof level, this would not compensate for demolition of the rear part of the existing building. The proposal would thus result in an overall net loss of around 4402 ft² or 409 m² of office floorspace.
5. Policy 80 of the Local Plan 2019 designates Bromley Town Centre as an area for strategic economic growth. Within this context the office block forms one of a group included within a tightly defined Business Improvement Area (BIA)

designated under Policy 84 of the Local Plan. The policy sets out the objective of managing and improving the supply of high quality office floorspace, and of working with businesses to secure quantitative and qualitative improvements. An Article 4 Direction assists implementation of the policy.

6. Policy E1 of The London Plan 2021 generally reinforces this approach, noting refurbishment as a means of improving the quality, flexibility and adaptability of office space, and setting out the objective of consolidating and where viable extending office markets. Whilst Policy E1 allows for change of use of surplus office space for housing, this is subject to exploration of alternative forms of office provision. Smaller, lower cost and affordable units are highlighted.
7. The office building is currently part occupied. This is reported to have been the case since 2018, albeit the composition of unoccupied space appears to have varied. Having viewed a number of unoccupied suites, it is apparent that their condition varies. The marketing brochures and signage each refer to 'refurbished' office suites, and one of the smaller suites I viewed had indeed been modernised with new carpet, windows, finishes, and air conditioning. However, this standard was not repeated elsewhere. Whilst most of the rear part of the building retains original single glazed metal windows in various states of repair, a couple of large suites lacked basic fixtures, and were in a generally decrepit state. It is hardly surprising that such space has struggled to find occupants, particularly when also taking into account the full repairing leases currently on offer. This limits the weight I attach to the marketing evidence submitted.
8. Vacant office space contributes little if anything to the economy. That does not however mean that it has no potential to contribute, or that it should thus be considered surplus. As outlined above, the block is within a BIA, within which an emphasis is clearly placed upon improvement.
9. The appellant acknowledges a shortage of 'good quality' office space locally, and the marketing report confirms that there is a better prospect of the proposed floor of office accommodation finding occupants. This would be of modern construction, but it would nonetheless be accessed from within the existing building. It appears logical that existing floorspace within the building would also have a better prospect of finding occupants if it was modernised. Limitations may well exist in relation to what refurbishment can achieve. However, the appellant's claim of a lack of viability is not supported by any detailed design or financial evidence.
10. Insofar as Policy E1 makes additional reference to smaller, lower cost and affordable units, I have also been provided with no evidence which demonstrates that use of vacant accommodation in such ways has been explored. This is despite further acknowledgment within the marketing report of a drive for smaller more flexible office spaces, and an indication that one prospective occupant sought a smaller unit than was on offer.
11. The Local Plan was adopted prior to the Covid-19 pandemic. Though this resulted in some changes to work practices, its long-term consequences in relation to office use remain to be seen. Based on the evidence before me I see no reason why the objectives of Policy 84 should now be considered invalid.
12. For the reasons set out above I conclude that the proposed loss of office space would be unacceptable, undermining the local economy, and giving rise to

conflict with Policies 80 and 84 of the Local Plan, and Policy E1 of The London Plan, as outlined above.

Parking

13. There is some apparent inconsistency between parking standards set out within the Local Plan and those set out within The London Plan. As the latter is the more recent, the standards within it take priority.
14. Policy T6.1 of The London Plan states that within locations with a PTAL of 4, a maximum of 0.5-0.75 parking spaces should be provided per dwelling. The purpose is evidently to prioritise and to encourage use of public transport, thus reducing the use of private vehicles, and the related adverse impacts of such use. Given the location, the latter may be assumed to include congestion and air pollution. As a total of 9 parking spaces would be provided for use by occupants of the proposed flats, there would be an over provision of 3 spaces, or 50%. This would clearly conflict with Policy T6.1.
15. Modelling provided by the appellant suggests that the proposed development would result in a slight reduction in the potential number of weekday vehicular trips, and that the overall change would be negligible. However, as the existing use is for office accommodation, it does not provide a directly relevant baseline. Whilst the nature of trips to and from an office are not necessarily comparable to those to and from a dwelling, a residential use would also generate trips at the weekend when most offices are closed.
16. Here the more relevant comparison is between a policy-complaint and a non-compliant residential use. Whilst the modelling assumes that occupants of all 8 flats would have access to a vehicle, this would not be the case if a policy-compliant 6 spaces were to be provided. The provision of 3 additional spaces would offer scope for a greater number of trips, which would in turn have a correspondingly greater adverse impact.
17. I have considered whether a condition could be used to resolve the matter. However, given that refiguration of on-site parking space would result in a significant change to the proposal as set before me, the use of a condition would not be appropriate.
18. For the reasons set out above I conclude that the level of proposed parking would be inappropriate, directly conflicting with Policy T6.1 of The London Plan.

Character and appearance

19. The office block is a rectilinear building. Adjacent buildings on London Road are of different design and size, but broadly similar form and height. Spacing varies, and most project deep into their plots. This is particularly true of 'T Bromley' towards the south of the site, which has a strong visual presence on both London Road and Blyth Road, the street to the rear. Blyth Road itself appears to have once been lined with large houses, but now also contains blocks of flats which again occupy varying proportions of their plots.
20. The proposed block of flats would occupy a position to the rear of the street frontages of both London Road and Blyth Road. Though its location would be atypical, as outlined above, some existing development occupies a similar position simply on account of its rearward extension. The building would have a limited visual presence within the broader streetscene, largely concealed from

London Road, and only glimpsed from Blyth Road. It would obviously be viewed by anyone accessing the site and adjacent car parks. But it would not appear incongruous in context given the varied layout, arrangement, and extent of adjacent development.

21. Pedestrian access would be via Blyth Road, along an existing narrow lane which provides the exit for the car park on site, and those adjacent. Though the lane lacks a footpath it appears that it is also currently used to provide pedestrian access to the car parks, and to the block of flats facing onto Blyth Road at the back of the site. Its future use to provide pedestrian access the development would not therefore be inconsistent with its current use, or thus have any particular effect on the character and appearance of the area.
22. The proposed roof extension would be similar in form to that added to an adjacent block fronting London Road. This would increase the visible height of the building to a point where it modestly exceeded that of its neighbours. In the absence of existing uniformity this would not however appear incongruous.
23. The scheme would see some provision of landscaping set against a baseline of none. The immediate setting of the proposed flats would otherwise be largely dominated by car parking, and more so given the identified over provision of parking spaces. This would however again be little different to adjacent buildings, including nearby flats, whose existing settings similarly feature parking with only modest landscaping.
24. Whilst the draft reason for refusal expresses a fear of precedent, I have assessed the appeal scheme on its own merits. The circumstances may not be same at any other site in the area.
25. For the reasons outlined above I conclude that the effect of the development on the character and appearance of the area would be acceptable. It would not therefore conflict with Policy 3 of the Local Plan which sets out requirements in relation to backland development, or Policies 4 and 37 of the Local Plan, and Policies D3 and D6 of the London Plan, which amongst other things similarly seek to secure development that complements its surroundings.

Living conditions

26. Policy D6 of The London Plan sets out minimum space standards for new dwellings. These largely replicate those set out within the Nationally Described Space Standard.
27. Two of the proposed flats would feature a single bedroom in addition to a double bedroom. The provision of single bedrooms presumably reflects the fact that the rooms in question would fall below the minimum standards required for a second double bedroom. In terms of width, the shortfall is slight. Whilst it is therefore apparent that the rooms could potentially accommodate double beds, the arrangement of floorspace and overall shortfall in floor area would be likely to make their use as double bedrooms impractical. Properly considered as single bedrooms, they meet the standard set out in Policy D6.
28. Insofar as the Council has additionally raised concerns in relation to the safety of the proposed pedestrian access, I have established above that its future use would largely reflect its existing use. Its use would not therefore give rise to any unacceptable harm.

29. Whilst not included within the draft reasons for refusal, the Council's appeal statement additionally raises concerns in relation to the amount of proposed external amenity space. However, as no figures have been provided to substantiate this concern, further assessment against the amenity space standard set out within Policy D6 is not possible.
30. The Council's appeal statement also raises concerns over the quality of outlook provided to future occupants of the flats. In this regard the proposed block would stand in reasonably close proximity to Alliance House. The narrowness of the gap would provide a space within which both Alliance House and the proposed flats could be perceived as overbearing. The space would however be used for car parking, and potentially affected daytime living spaces on lower floors would have alternative sources of outlook.
31. The proposed balconies would provide views over adjacent car parks. However, I see no reason why such views should be considered unacceptable within a densely developed urban area.
32. For the reasons set out above I conclude that the development would provide acceptable living conditions for future occupants in relation to internal living space, in accordance with Policy D6 of The London Plan.

Other Considerations

33. The appeal scheme would conflict with the development plan taken as a whole. The Council however lacks a demonstrable 5-year supply of deliverable housing sites (5YHLS), with the current supply given as 3.99 years. The policies most important for determining the application are therefore deemed 'out-of-date'. The development plan is however less than 5 years old, and the policies with which I have identified conflict are broadly consistent those relating to the economy and transport set out within the National Planning Policy Framework (the Framework). These conflicts therefore attract significant weight.
34. The development would clearly help to boost the supply of housing, providing new dwellings in a location with good access to services and public transport. The boost would however be very modest, and use of public transport would not be optimised on account of the overprovision of parking. The development would also not demonstrably make better, or more efficient use of previously developed land given the specific designation of the site in relation to office use and future economic growth. For this and the above reasons the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

35. For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan taken as a whole. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR