



Appeal Decision

Site visit made on 21 November 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 JANUARY 2024

Appeal Ref: APP/G5180/W/23/3324331

Carew Court, 1A Thayers Farm Road, Beckenham, Bromley BR3 4LY

- 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 Peter O'Sullivan against the decision of the Council for the London Borough of Bromley.
 - The application Ref DC/22/00868/FULL1, dated 25 February 2022, was refused by notice dated 19 December 2022.
 - The development proposed is for a rooftop extension on part of a detached block of apartments to create one number, one bedroom apartment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area, and
 - b) the living conditions of neighbours.

Reasons

4. The appeal site comprises an unusually shaped parcel of land containing a recently completed block of flats. This is set between the tramlink line and Thayers Farm Road. The proposal is for an additional storey of accommodation to provide a further one bedroom, two person flat. This would be set over the lower end of the existing building.

Character and appearance

5. The existing building sits in a position which is slightly recessed from Thayers Farm Road. This road generally features two storey buildings, commonly dwellings, especially moving away from Beckenham Road towards the east. Beckenham Road itself features three and four storey buildings. These are commonly commercial uses on the ground floor with flats above.

6. The existing building drops down from four to three storeys towards the east. This provides a visually pleasant evolution between the taller buildings addressing Beckenham Road and the more domestically scaled buildings along Thayers Farm Road.
7. The introduction of an additional floor of accommodation towards the eastern end of Carew Court would disrupt this arrangement in a harmful manner. It would increase the height of the building at a point where building heights otherwise fall away to align more closely with the lower two storey heights to domestic properties. This change of height and scale is not modest, particularly over this lower part of the building. Although the building is set back from the road, it nevertheless contributes to the street scene and is visible in the surrounding area, as is the obvious evolution of building heights.
8. The development would be detrimental to the character and appearance of the area. It would therefore conflict with policies 4 and 37 of the Bromley Local Plan 2019 (BLP) and policy D3 of the London Plan 2021 (LP). These policies promote good design that integrate satisfactorily with the established character of areas.

Living conditions

9. The existing building would be increased in height and would result in a structure of over 13 metres at the end of the garden to number 1 Thayers Farm Road. The outlook from the rear of No. 1 would be seriously impaired and the occupants would be presented with an uncompromising tall and narrow building. Although there is a reasonable separation between these two buildings, I consider that the additional floor would represent a harmful increase in height. This would result in an overbearing and dominant appearance when viewed in the rear garden and from the rear facing rooms of 1 Thayers Farm Road to the detriment of the living conditions of the occupants.
10. The additional floor of accommodation would provide increased opportunity for overlooking to properties addressing Thayers Farm Road. Most notably No 1. Indeed, this overlooking has been a matter of concern in previous decisions by the Council and Inspectors. However, the only opportunity for overlooking in this scheme is from the proposed top floor balcony which serves a living room. This would be mitigated with an obscure glazed screen which has already been used to the existing flats on lower floors in a similar fashion. Whilst this proposed flat does have a more elevated position; its arrangement is the same as the flats to lower floors. It follows that any overlooking created would be mitigated by the balcony screen that was considered acceptable to the lower floor flats. As such, subject to a condition to require maintenance of this obscure glazed screen, there would not be a materially greater degree of overlooking.
11. I therefore conclude that there would not be an increase in overlooking. However, there would be an overbearing effect from the height of the building when viewed by the occupants of the neighbouring property. The proposed development conflicts with policies 4 and 37 of the BLP and policy D6 of the LP.

Other considerations

12. The Council cannot demonstrate a five-year housing land supply of deliverable housing sites and the undersupply is acknowledged as significant by the

Council. Consequently, the provisions of paragraph 11(d)ii of the Framework should be applied.

13. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposal would be harmful to the character and appearance of the area and living conditions of neighbours. The Framework seeks to ensure that development creates spaces with a high standard of design, and I give significant weight to the conflict between the proposal and policies 4 and 37 of the BLP and policy D3 of the LP in this respect.
14. Set against the identified harm, the proposal would make an efficient use of land within an existing urban area and meet the Framework's objectives of boosting the supply of housing. However, the benefits associated with a single new dwelling would be minimal in the context of the Borough's overall shortfall. Nevertheless, given the apparent persistence of the housing supply shortage, I must give the provision of this additional dwelling, in these circumstances, moderate weight.
15. Accordingly, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

16. The proposal would conflict with the development plan, read as a whole, and there are no material considerations of sufficient weight to indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

Nick Bowden

INSPECTOR