



Appeal Decision

Site visit made on 23 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/G5180/W/23/3327374

237 Croydon Road, Beckenham, Bromley BR3 3PT

- 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 Rasons 5 Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/23/01908/FULL3, dated 15 May 2023, was refused by notice dated 12 July 2023.
 - The development proposed is the change of use from B1 (Office) to C3 (Residential).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two proposed plans have been submitted, each showing a different first floor layout. Despite the differences, both plans have the same plan number (06) and date (Nov 22). On the basis that both parties refer to the provision of an outdoor amenity space together with 4-bedrooms, it is sufficiently clear that the plan showing the external amenity area, rather than that showing the 7-bedroom layout, is the relevant plan before me for consideration. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are whether the proposed development would:
 - provide an appropriate standard of accommodation for future occupiers with particular regard to outlook, noise and amenity space

and its effect on:

- the character of the area, and
- the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Standard of accommodation

4. The appeal site is a corner plot at the junction of Croydon Road and Bramerton Road. The site comprises a two-storey building which includes a car showroom, a garage with bodywork and repair functions, and offices at first floor.

5. The primary living area for the residential unit would be located towards the back of the building, with its only outlook comprising high level, obscurely glazed windows. Although these would provide a source of light, the quality of outlook would be very poor. Furthermore, it is noted that all the bathrooms would be internalised. Although non-habitable rooms, the absence of any outlook from the bathrooms detracts from the quality of the proposed accommodation.
6. The primary entrance to the dwelling would be across the forecourt which would be shared with access to the body works and repair unit. The shared nature of the external access, with customers staff and vehicles from the adjacent unit, would diminish any sense of privacy, and there would be a lack of defensible space on approach to the flat.
7. The size of the first-floor outdoor amenity space would exceed the minimum requirement set out in Policy D6 of the London Plan (LP), however, there are significant issues in terms of the quality of the space. The amenity space would have a high degree of enclosure, due to the built form it adjoins as well as the privacy screen. These factors would result in a poor-quality outlook.
8. The space would be in close proximity to extractor fans on the rear elevation of the building and to the garage and repair elements of the ground floor business. Each of these noise generating elements would detract from the ability of future occupiers to enjoy the space. Furthermore, users would be aware of persons and vehicles accessing and leaving the repair garage. Given the external location, opportunities to mitigate against the noise and disturbance would be very limited.
9. The site lies within a short walk of Croydon Road Recreation Ground. This is a high-quality public park which includes sports facilities and a children's playground. Although access to this park is a positive factor, this would not compensate for the failure to provide adequate quality private amenity space for future occupiers. Policy 4 of the Bromley Local Plan 2019 (BLP) together with Policy D6 of the LP, require the provision of sufficient private external amenity space. Outdoor space, including private space, is important for the health and wellbeing of future occupiers.
10. Indoor and outdoor noise from the ground floor uses is highly likely to adversely affect the quality of the internal accommodation. Due to being located within the same building as the noise generating uses, there is a high potential for noise transfer from ground to first floor. The effect of the outdoor noise would be exacerbated during warmer weather when windows to the residential accommodation would be open. These noise impacts would occur across a significant portion of the day, albeit would cease outside of business hours.
11. The appellant has indicated acceptance of a condition requiring a noise survey and appropriate mitigation. However, given the lack of evidence relating to existing noise levels and thus the effectiveness of any mitigation, I cannot be satisfied that such a condition would remedy the harm. Even if I were to find that a condition would be appropriate, this would not override concerns relating to the quality of the amenity space or the outlook.
12. Given the above factors, the proposed development would fail to provide an appropriate standard of accommodation for future occupiers, with particular

regard to outlook, noise and amenity space. The proposal would therefore conflict with Policies 4, 10 and 37 of the BLP and Policies D3 and D6 of the LP. These policies, when taken together and insofar as relevant, seek to ensure that new residential accommodation deliver appropriate outlook, privacy and amenity and more generally provides high quality housing and healthy environments.

Living conditions

13. There are two residential properties which share a boundary with the appeal site, 235 Croydon Road and 2 Bramerton Road. These are both two storey semi-detached properties with deep, rear gardens. The garden areas for each would be in close proximity to the proposed external amenity space for the flat. I have had regard to the approved plans and the constructed extensions at 2 Bramerton Road, which has minimal separation to the boundary with the appeal site.
14. The amenity space at first floor level could serve 8 occupants and would be available for use 24 hours a day. Whilst the size of the flat, as a 4-bedroom property, would be comparable with other residential dwellings in the area, the elevated position of the amenity space would increase the potential for noise and disturbance.
15. The use of the gardens of existing neighbouring residential properties would generate a degree of noise when in use. However, unlike at neighbouring properties, the elevated position of the amenity space would result in noise being more perceptible and intrusive. The proposed set back of the amenity space from the site boundaries would minimise the effect of the noise to a degree, nonetheless I find that the perceived effects of the noise from the amenity space would be likely to exceed that which would be expected in a residential area. As such, some limited harm by way of noise and disturbance to the occupiers of neighbouring properties, in particular 235 Croydon Road and 2 Bramerton Road, would occur.
16. Therefore, the proposal would have an unacceptable effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance and would conflict with Policies 37 of the BLP and D3 of the LP. These policies require, amongst other matters, that development respects the amenity of occupiers of neighbouring buildings including ensuring they are not harmed by noise and disturbance.
17. Whilst Policies 4 of the BLP and D6 of the LP were also included in the first reason for refusal, I find no particular conflict with these with regard to living conditions.

Character of the area

18. The appeal site is within a mixed-use area and on the edge of several residential streets. The mix of uses along Croydon Road includes residential uses located at first floor above commercial premises. In this regard the introduction of a residential use within the first floor of the appeal building would be wholly in keeping with the character of the area.
19. The flat is relatively large, however, the number of bedrooms as well as the overall scale, would be similar to other residential dwellings nearby.

Furthermore, as the proposal is for the conversion of an existing building, there would be no change to the scale of the building from the existing position. In terms of the associated vehicular and pedestrian movements that would be generated by the residential use, the movements would be fairly low. Given the context of the site, on a busy mixed-use road, the increase in movements would not be of such a scale to harmfully alter the character of the area.

20. Given the above, I find the proposal acceptable in terms of its effect on the character of the area, such to accord with Policies 4 and 37 of the Bromley Local and Policies D3 and D6 of the London Plan, insofar as they relate to character. These policies seek, amongst other matters, to ensure that development compliments the qualities of surroundings areas and positively responds to the existing character.

Other matters

21. I note concerns regarding the service provided by the Council. This does not affect the merits of the proposal itself and as such has not been determinative.

Planning Balance

22. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. As such, paragraph 11dii of the Framework applies. I note from the submitted evidence that the Council has a supply of 3.99 years which amounts to a significant undersupply.
23. The scheme would deliver a single dwelling to the local housing supply. It is suggested within the Council's evidence that the type of accommodation proposed may not meet the Borough's housing needs. However as there is a significant undersupply in housing in the Borough, and planning policies recognise the need for a range of housing types, there appears to be a need for all types of housing. As well as contributing to the supply of housing within the Borough, the proposal would make a small contribution towards the government's target to significantly boost the supply of homes. I acknowledge that small and medium sized sizes can make an important contribution to meeting the housing requirement of an area.
24. The construction of the proposed development would deliver temporary economic benefits. The delivery of an additional dwelling would result in additional spending within the area. The proposal would provide financial contributions to local infrastructure in line with the Community Infrastructure Levy, to avoid a burden on local services and infrastructure. Given the scale of the development, the wider social and economic public benefits would be modest.
25. The principle of the change of use is acceptable. Furthermore, the proposal would be acceptable in terms of sustainability, waste and refuse provision, cycle provision the internal floor area and off-street parking. however, the absence of harm in these respects is a neutral consideration that weighs neither for nor against the proposed development.
26. On the other hand, the Framework advises that decisions should ensure that developments provide a high standard of amenity for existing and future users. The proposal, given the poor standard of accommodation proposed for future occupiers, together with the harm by way of an adverse effect on the living

conditions of neighbouring occupiers, would fall short of this. I attach significant weight to these harms.

27. These policy conflicts and associated harms weigh very heavily against the proposals, and overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan.

R. Lawrence

INSPECTOR