



Appeal Decision

Site visit made on 28 February 2024

by **G Rollings BA(Hons) MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/G5180/W/23/3331450

56 Shortlands Road, Shortlands, Bromley, BR2 0JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Court Group against the decision of London Borough of Bromley.
 - The application Ref is DC/23/02675/FULL.
 - The development proposed is the conversion of an existing garage building into a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The previous version of the *National Planning Policy Framework* (the Framework) has been superseded by the version issued in December 2023.

Main Issue

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of surrounding occupiers, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site contains a multistorey building divided into flats, with a garage located between this and the property boundary of 2 Shortlands Grove. It is within the Shortlands Road Conservation Area, the boundary of which is shared with the aforementioned property edge.
5. The conservation area is mostly characterised by imposing detached, historic buildings set in large grounds, which are characteristics shared by the main building on the appeal site. There is some newer flatted development visible from the appeal site, but this does not dominate views. The character of Shortlands Grove outside the conservation area is also relevant, given that the garage fronts onto this road, and this street has more of a mixed character of smaller detached buildings and squat, flatted developments.

6. The development would add an additional storey in the place of the existing pitched roof of the garage. Although the building would remain smaller in scale than surrounding buildings, its status as a dwelling would be out of character with the surrounding conservation area's pattern of development, which retains space between buildings. A function of these spaces is to allow visibility or vegetation between buildings, which strongly contributes to the conservation area's spacious, verdant nature. The upward extension of the building would partly fill one of these gaps and would therefore be out of keeping with the pattern.
7. Although spaces between buildings on Shortlands Grove are less pronounced, the development would nonetheless be out of character with development on that road. I therefore conclude that the proposed development would fail to preserve or enhance the character and appearance of the conservation area. The harm would be less than substantial, and although the proposed development would result in one additional dwelling in an area with a housing undersupply, in accordance with the test set out in paragraph 208 of the Framework this public benefit is insufficient to outweigh or mitigate the harm that would be caused to the character and appearance of the conservation area.
8. The proposed development would also harm the character and appearance of the wider area, and would conflict with Policies D1, D3, H2 and HC1 of *The London Plan (2021)*, and the Council's *Local Plan (2019)* Policies 4, 8, 37 and 41. Together, these policies require development to conserve the significance of heritage assets, follow a design-led approach that regards an area's qualities, and allow for sufficient space to the sides of existing buildings, amongst other considerations.
9. The Council listed additional policies in its reason for refusal on this matter, namely London Plan Policies D6 and H2. Similarly, the appellant referred to London Plan Policy D2 but I have only considered the most relevant policies above. I have considered the application of Local Policy 3 concerning backland and garden development but as this proposal upwardly extends the existing footprint of a building, I do not consider that the policy applies in this case. I have also taken into account the Council's *Urban Design Guide Supplementary Planning Document (2023)* in my decision.

Living conditions of surrounding occupiers

10. The existing pitched roof would be replaced by a mostly flat roof on the new first floor. The Council has raised concerns over the effects that this would cause on adjoining properties.
11. Facing windows on 2 Shortlands Grove are limited to a dormer window which would overlook the proposed roof. Although the appeal building would be clearly visible below the plane of the view from the dormer, it would not result in unreasonably enclosing effects or a significant reduction in outlook.
12. Flats within the main building on the appeal site overlook the garage. In particular, the ground floor flat B has a courtyard that is overhung by the balcony of flat C above, and which directly abuts the side of the garage. The proposed garage wall would also be close to the balcony edge. The upward extension of the garage's flank wall would further enclose already tight spaces,

reducing the outlook and appearing overbearing. This would harm the living conditions of the occupiers of flats B and C.

13. I appreciate that there would be no significantly harmful effects in respect of sunlight and daylight, but this does not overcome the outlook concerns. I therefore conclude that the proposed development would be harm the living conditions of surrounding occupiers, with particular regard to outlook, and would conflict with London Plan Policies D3, D6 and H2, and Local Plan Policies 4, 8 and 37. Together, these require development to respect the amenity of occupiers of neighbouring buildings, amongst other considerations.

Other Matters

14. The Council has a significant housing undersupply, with the Council's evidence suggesting a housing land supply of around 2.96 years. At this level of undersupply, the addition of even a single unit of accommodation to the local housing supply is a benefit that strongly weighs in favour of the proposal. However, the harm that would be caused to the character and appearance of the local area and the living conditions of neighbours outweighs any benefits, particular in respect to the living conditions issue. This includes consideration of the sustainable location of the appeal site.

Conclusion

15. The proposed development would conflict with the development plan for the area and there are no material considerations to indicate that a decision should be made otherwise than in accordance with the plan.
16. For the reasons given above, the appeal is dismissed.

G Rollings

INSPECTOR