



Appeal Decision

Site visit made on 12 March 2024

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST March 2024

Appeal Ref: APP/G5180/D/23/3335897

215 Elmers End Road, Beckenham, Bromley BR3 4EH

- 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 Prabu Sathananthan of Poseidon Spaces Ltd against the decision of the London Borough of Bromley.
 - The application Ref DC/23/02928/FULL6, dated 29 July 2023, was refused by notice dated 2 October 2023.
 - The development proposed is outbuilding to rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on the relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.
3. The details of the planning application indicate that the outbuilding is intended to be used as additional living accommodation associated with the existing dwelling and would incorporate two bedrooms and a shower room. The Council raise concerns that the form of development could potentially be severed from the main dwelling and be used as a self-contained dwelling unit. However, the completed planning application form makes it clear that the applicant, now the appellant, is seeking planning permission for development ancillary to an existing dwelling.
4. The proposal does not indicate any intention for the use of the outbuilding to be severed from the main dwelling house or access being other than through the dwelling house. The description of the proposed works provided on the planning application form states '*the outbuilding will be used as additional living space for the existing property*'. This is the proposal that is before me. Therefore, I must consider the proposal as sought planning permission by the appellant. I have, therefore, dealt with the proposal as additional accommodation associated with the dwelling house.

Main Issues

5. The main issues raised by this appeal are the effect of the proposed development on:
 - a) The character and appearance of the site;
 - b) The living conditions of neighbouring occupiers; and
 - c) Flood risk.

Reasons

Character and appearance

6. There are outbuildings within neighbouring rear gardens, however the proposed outbuilding would be of a larger footprint and depth to those existing outbuildings in the area. The proposed outbuilding would be positioned at the end of a rear garden. The outbuilding would be a subordinate structure to that of the dwelling and more than half of the rear garden would remain associated with the dwelling. As such, the outbuilding would not be a dominant addition within the rear garden. Whilst it would be a larger structure than other outbuildings in the area I do not consider it would represent an overdevelopment of the site.
7. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the site. The proposal would, therefore comply with Policies 7 and 37 of the Bromley Local Plan (2019). These policies seek, amongst other matters, development to be of high quality design and to accord with the criteria for providing accommodation for additional family members.

Living conditions

8. The proposed outbuilding would be sited to the rear of the garden of the host dwelling. There would be separation between it and the rear of the adjacent properties. This separation distance would prevent any significant loss of light or outlook. Furthermore, its visual impact on the rear gardens would be partially mitigated by the existing neighbouring outbuildings and boundary treatments.
9. For these reasons, I conclude that the proposed development would not be harmful to the living conditions of neighbouring occupiers. The proposal would, therefore, comply with Policies 7 and 37 of the Bromley Local Plan (2019). These policies seek, amongst other matters, development to be of high quality design and to respect the amenities of existing occupiers.

Flood risk

10. The site is located within Flood Zone 2 and is situated close to Chaffinch Brook at the rear of the site. The Environment Agency (the EA) have raised an objection to the proposal. It has advised that there is insufficient information provided to adequately assess the offset between the proposed development and the main river and the increased risk to the culvert's stability arising from the development. As such, insufficient information has been submitted to

provide reassurance that any such risk can be controlled to within acceptable levels. Therefore, the proposal does not demonstrate that harm from potential flooding would be obviated or mitigated.

11. I acknowledge that the appellant would accept pre-commencement conditions relating to the preparation of an assessment and any mitigation measures the assessment recommends. However, there is insufficient information before me to indicate that any potential harm from flood risk could be satisfactorily obviated. Therefore, I cannot be certain that the imposition of a planning condition(s) would sufficiently overcome my above concerns such that would enable the appeal to be allowed.
12. For these reasons, I conclude that the proposed development would be harmful as a result of potential flood risk. The proposal would, therefore conflict with Policy 115 of the Bromley Local Plan. That policy seeks, amongst other matters, development to address existing flood risk and to reduce the impact of new development.

Conclusion

13. Whilst I have found in favour of the appellant in terms of the effect of the first and second main issues, this does not overcome the identified harm in regard of the third main issues.
14. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR