



Appeal Decision

Site visit made on 17 March 2024

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/G5180/W/23/3326581

106A Wickham Road, Beckenham, Bromley BR3 6QH

- 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 and Mrs Stewart against the decision of London Borough of Bromley.
 - The application Ref is DC/23/00882/FULL1.
 - The development proposed is sub-division of existing 3bed first floor dwelling to 2no. 1bed dwellings. Conversion of existing vacant loft space at second floor to 1no. 1bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would provide a satisfactory standard of accommodation for future occupiers, with particular regard to the internal space for Flat A and internal space, outlook and light for Flat C; and
 - whether the proposal would provide future occupiers with adequate living conditions having regard to the design and location of the residential entrance.

Reasons

Living conditions for future occupiers (space, outlook and light)

3. Policy 4 of the Bromley Local Plan (BLP) requires that all new homes achieve the minimum internal floorspace standards set out within the London Plan (2021) (LP). These floorspace standards are outlined in table 3.1 of LP Policy D6, and state that the minimum internal floorspace for one bed one person flats should be 37m² with a shower instead of a bath. However, the minimum internal floorspace for a one bed two person flat should be 50m². The minimum floorspace areas are in accordance with those set out in the Nationally Described Space Standards (NDSS) (2015).
4. Although Flat A would be a single bedroom one person flat, there are difficulties with controlling occupancy to meet the LP and BLP policy requirements because, regardless of the intended target market for future occupiers of the development, larger bedroom sizes could encourage more than one person to live at the property. Nevertheless, LP Policy D6 provides a significant steer with what could be realistically considered as a one bedroom one person flat and a

- one bedroom two person flat. In this regard, the LP sets a minimum floorspace requirement for a single bedroom at 7.5m² and a double bedroom or twin bedroom at 11.5m².
5. Taking LP Policy D6 into account, Flat A would likely be a two person flat because it would meet the minimum floorspace requirement for a double bedroom. However, its floor area, at 39.14m² would be significantly below the minimum requirement of 50m² for a one bedroom two person unit. On this basis, there would be a conflict with LP Policy D6 and BLP Policy 4 by reason of the deficient amount of internal floorspace which would result in inadequate living conditions for the future occupiers of Flat A.
 6. Flat C would be located within the building's roof space. Whilst the submitted drawings show that the flat would have a floor area of 40.81m², a proportion of the flat would have a floor to ceiling height which would be constrained, as a result of the sloping roof space.
 7. The appellant confirms that significant areas of the bathroom, kitchen and the area above the dining furniture would be above 1.8 metres in height. Whilst items such as televisions could be positioned in areas with a lower floor to ceiling height, the layout of the flat would be constricted, being narrow and with limited options for storage of taller items of furniture.
 8. The kitchen/living/dining room would be narrow, and deep, spanning the full depth of the dwelling. It would be served only by glazing on a single elevation, on the opposite side of the room from the kitchen counters. Consequently, and without any detailed evidence that the proposed room would, for example, be BRE compliant, it seems to me, that light to the kitchen area, which is located the furthest from the windows, would be limited and is likely to result in gloomy conditions.
 9. Likewise, due to their position, the rooflights would not provide any outlook for occupiers within the kitchen. When considered collectively, the restricted floor to ceiling height, limited outlook and sparse access to daylight within the kitchen area, would result in Flat C being oppressive in nature, consequently harming the living conditions of any future occupiers of the flat.
 10. For the above reasons, I conclude that the proposal would not provide satisfactory living conditions for its future occupiers. This would be contrary to Policies 4 and 37 of the BLP and Policy D6 of the LP insofar as they relate to internal space standards and require development proposals to be of a high standard of design and layout.

Design and location of the residential entrance

11. The appeal property is a three bedroom end of terrace flat located at first floor. The terrace contains a mix of commercial units at ground floor level, often with residential flats located above.
12. At present, the existing flat is accessed via an external staircase located to the rear of the terrace. Whilst the approach to the rear staircase is shared with the ground floor commercial units, I have no substantive evidence before me to indicate that this causes any conflict between the uses.
13. The proposal would be likely to lead to slightly more coming and goings across the day from the occupiers of the three flats at first and second floors.

However, the access from the rear would not be a particularly unusual feature within an urban area such as this, and during my site visit I observed that a number of other residential properties located on the upper floors of the terrace take their access from a rear area shared with neighbouring commercial uses. Overall, I do not find that the shared access would result in conflicts between the uses which would be harmful to the safety of future residential occupiers.

14. I therefore conclude that the proposal would provide future occupiers with adequate living conditions, in regard to the location and safety of the residential entrance. Therefore, in this respect, the proposal would comply with Policies 4 and 37 of the BLP and Policy D6 of the LP. Amongst other aspects these policies require that housing developments are of high-quality design and protect the living conditions of future residents.

Other Matters

15. 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 and Conclusion

16. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. As such, paragraph 11d of the National Planning Policy Framework (2023) applies. I note from the submitted evidence that the Council has a supply of 3.38 years which amounts to a significant undersupply.
17. The scheme would deliver two (net) dwellings to the local housing supply. The Framework seeks to significantly boost housing supply and indicates the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would contribute to local housing supply and would represent a more efficient use of the appeal site. The appellant has indicated that the proposal would provide housing for people priced out of the market, particularly in the local area. However, given the scale of the development, the wider social and economic public benefits would be modest.
18. On the other hand, the Framework advises that decisions should ensure that developments provide a high standard of amenity for future users. The proposal, given the poor standard of accommodation proposed for future occupiers, would fall short of this. I attach significant weight to this harm.
19. 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.
20. The principle of the sub-division of the existing residential unit is acceptable. Furthermore, the proposal would be acceptable in terms of the impact on neighbouring occupiers and the impact on the character and appearance of the area. However, the absence of harm in these respects is a neutral consideration that weighs neither for nor against the proposal.
21. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework and the presumption in favour of sustainable development, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR