



Appeal Decision

Site visit made on 17 April 2024

by N Kempton BA(Hons) PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 OCTOBER 2024

Appeal Ref: APP/G5180/W/23/3331241

12 Rodway Road, Bromley BR1 3JL

- 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 Mr John Mushtaq against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 22/00780/FULL1.
 - The development proposed is conversion into 7 no. self-contained flats. Erection of a 2-storey side and rear extension together with roof alterations comprising rear dormer and rooflights. Extension of the width of 2 no vehicle crossovers and provision of a pedestrian access in the front boundary fronting the highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are the effect of the proposed development on:
 - the character and appearance of the host building and the area;
 - the living conditions of neighbouring residents with particular regard to daylight, sunlight and outlook;
 - the living conditions of future occupiers of the flats with particular regard to the external amenity space.

Reasons

Character and appearance

3. The appeal site is a detached late 19th century villa set in a spacious plot with an attractive rear garden, which is enclosed by walls with some mature trees. A flat - roofed double garage is situated to the side of the dwelling. It is an unattractive feature and a visual detractor. This part of Rodway Road is leafy and spacious in character and appearance. Front gardens make an important contribution to the street scene and character of the area, though some have been predominantly given over to hardstanding, which erodes the quality of the street scene.
4. The appeal building, which is situated in a distinctly residential area, is currently arranged as two self-contained flats. The property frontage provides car parking provision associated with the two existing flats. The proposal would

extend the existing building to the side and rear and alter the roof form to facilitate conversion to seven residential dwellings, which would be an uplift of five relative to the existing site.

5. I observed comparable properties in the vicinity of the site, specifically large Victorian houses, which have been altered and extended, and appear to have been similarly converted into self-contained flats. Notwithstanding this, the street retains a character that is primarily derived from single, rather than multiple, occupancy dwellings.
6. The proposed development would result in a bulky and visually dominant structure when viewed within the street scene and from neighbouring properties. The large extensions to the side and rear would be out of scale with the host dwelling and envelop the original building on two sides. The proposed development would be conspicuous by reason of its uncharacteristic size, particularly its depth and its massing at roof level. The crown roof would convey the sense of a substantial mass, which is bulky in design, lacking articulation and relief. It would be a departure from the conventional roof forms and prevailing roofscape character of the street scene.
7. As viewed from the front elevation, the ridge and eaves height of the side extension would step down from the principal roof. However, this would not achieve adequate subservience to the host building. Rather the existing recessed side projection, which is a characteristic feature of this house type in the street, would be replaced with a much larger, more dominant side extension positioned further forward. Notwithstanding the increased side separation due to the loss of the single- storey garage, the width of the extension would be disproportionate to the established bay width of the host building. The extension would imbalance the façade and diminish the side separation between buildings. This would be contrary to policy 8 of the Bromley Local Plan (LP)(2019), which seeks the retention of side space from the side boundary of the site for the full height and length of the building. Furthermore, this policy states that where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
8. The loss of spaciousness on this plot would result in an incongruous form of development in its spatial context. The proposed development would fail to assimilate with the established grain. It would impact upon and fail to respect the existing spaces between buildings, creating disharmony in the street scene.
9. The principle of extending and converting the building into flats has been previously supported by the Council. The appeal scheme differs from the previously approved, no longer extant, schemes in a number of ways. In 2004 planning permission was granted for conversion of the appeal property into 6 flats. In that scheme the side and rear extensions did not extend the full depth and width of the host building; being distinct and separately articulated rather than wrapping around two sides of the host building; no accommodation was provided at second floor level as such the scheme retained a conventional roof form; in addition to a communal garden, the scheme made provision for private defensible space for the ground floor flats in the form of private patio areas; furthermore, the side extension was subservient and maintained the side separation from the boundary with number 10 Rodway Road, in accordance with policy 8 of the LP. In 2014, the scheme to alter and extend the

single dwelling contained the extensions, which were single storey, to the rear, thereby retaining the detached double garage with a priced roof and maintaining the side separation.

10. The proposed development subject of this appeal case appears similar to schemes previously approved, and implemented, at numbers 8 and 10 Rodway Road. I am unfamiliar with the full context in which these previous decisions were made, nonetheless I observed on site that there are notable differences between the appeal scheme and these comparable schemes, including: proximity to the shared boundary; the massing and form, with side and rear extensions being distinct and separately articulated rather than wrapping around the existing building; retention of the inset projecting side element which is a common feature on this Victorian house type, thereby retaining an appreciation of the side separation between buildings. As such, I am unable to draw any direct parallels between these sites. Furthermore, the existence of these two schemes, which are conspicuous in the street scene, fail to persuade me that the proposed scheme is acceptable in the interests of the character and appearance of the street, and do not therefore, weigh in favour of the appeal.
11. The proposal to replace all of the windows to achieve a consistent style throughout and the removal of the flat roofed garage, may constitute a degree of enhancement to the character and appearance of the host building. However, this enhancement would not sufficiently mitigate the harm identified by reason of the disproportionate additions.
12. The palette of materials proposed are consistent with the existing dwelling. This does not however, negate the harm I have identified concerning the scale, massing and design of the proposed development, which would fail to complement the character and appearance of the host dwelling.
13. For these reasons, the proposed development would be detrimental to the character and appearance of the host building and the area. Therefore, the proposal would be contrary to policy 37 of the LP, which sets out criteria relating to the general design of development including, the requirement for development to be of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and skylines, amongst other things; and space about buildings should provide opportunities to create attractive settings with hard or soft landscaping.

Living conditions of neighbouring occupiers

14. By reason of the combined effect of the proximity to the shared boundaries, increased depth and overall scale of the rearward and side projections, and the lack of articulation and relief to the massing, the proposed development would have a visually intrusive and over-enclosing effect on the rear garden amenity space of the neighbouring properties. This would result in a diminution of outlook to the detriment of neighbouring occupiers' amenity.
15. With regards to light levels, neither party has provided technical evidence, therefore I am required to exercise planning judgement. The depth of the rear extension would extend at two storeys in height along the shared boundary with 14 Rodway Road. The continuous expanse of blank wall would be a solid mass, lacking any articulation or relief. The principal roof of the parent dwelling

would be extended, maintaining a consistent ridge and eaves height. No. 14 Rodway Road has a large garden. The height, depth and overall scale of the proposed rear extension to the appeal property would mean it would block sunlight and daylight to this neighbouring property, thereby causing harm to the living conditions of the occupiers of this neighbouring property.

16. For these reasons, the proposed development would be detrimental to the living conditions of neighbouring residents with particular regard to daylight, sunlight and outlook. As such, the proposed development would be contrary to policy 9 of the LP, which requires, amongst other things, that the amenities of occupiers of neighbouring dwellings will not be harmed by loss of privacy, daylight or sunlight or by noise and disturbance.
17. The proposed development would also be contrary to policy 37 of the LP which sets out criteria relating to the general design of development. This policy states the following criterion: the relationship with existing buildings should allow adequate daylight and sunlight to penetrate in and between buildings. The policy requires all developments to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
18. Furthermore, the proposal is contrary to paragraph 135(f) of the National Planning Policy Framework (the Framework), which states that development should create a high standard of amenity for existing and future users.

External amenity space

19. The provision of communal garden space is acceptable in principle and not uncommon in conversion schemes, which contain multiple self-contained flats. The proposed communal garden is large in area. The layout would afford the occupiers of the ground floor flats direct access from the lounge/dining kitchen spaces. Conversely, the lack of private defensible space would afford residents and visitors to the property direct access, at close quarters, to the ground floor windows and doors serving these ground floor flats, thereby eroding any sense of privacy and would detract from the enjoyment of the external amenity area for the ground floor occupiers. The provision of an element of defensible space for the ground floor flats could be achieved with appropriate planting or fencing, which could be secured by condition to any consent granted.
20. As such, the proposed development would provide satisfactory living conditions for future occupiers of the flats, with particular regard to external amenity space. The proposal would therefore be in accordance the following policies of the LP: policy 4 relating to housing design, which requires, amongst other things, the provision of sufficient external, private amenity space that is accessible and practical; policy 9 relating to residential conversions, sets out six criteria including the requirement to provide a high quality living environment for the intended occupiers; and policy 37 which sets out criteria relating to the general design of development including, the requirement to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance.
21. The provision of external amenity space would also accord with policies D3 and D6 of the London Plan (2021). Policy D3 seeks to ensure that development is of

the most appropriate form, delivering appropriate privacy and achieving indoor and outdoor environments that are comfortable for people to use. Policy D6 relates to housing quality and standards. Criterion D of this policy states that the design of development should maximise the useability of outside amenity space.

Other Matters

22. I have had regard to the representations related to the effect of the proposed development on water pressure and sewerage. However, there is no substantive evidence that the proposed development would result in unacceptable harm to foul and surface water discharge or indeed, on water pressure. Based on the evidence before me and in view of the characteristics of the site, there are no details or objections that would lead me to conclude harm. Furthermore, matters of drainage could be addressed in a related condition. I am satisfied therefore, that adequate drainage arrangements for the disposal of foul and surface water could be achieved.

Planning balance

23. The proposed development would contribute 5 additional flats to the area's housing supply, which is an important consideration in the context of the Government's objective to boost significantly the supply of homes and would be a benefit to which I attribute significant weight.
24. The provision of an element of defensible space for the ground floor flats could be achieved with appropriate planting or fencing, which could be secured by condition to any consent granted. As such, the proposed development would provide satisfactory living conditions for future occupiers of the flats, with particular regard to external amenity space. For this reason, this is a neutral matter weighing neither for, nor against, the proposal.
25. I have found that the proposed development would be detrimental to the character and appearance of the host building and the area. The proposal would harm the living conditions of neighbouring residents with particular regard to daylight, sunlight and outlook. I attribute substantial weight to the harm identified, and it conflicts with the development plan taken as a whole.
26. The current 5-year housing land supply position and housing delivery test result (2022) for the London Borough of Bromley is a significant material consideration in the determination of this appeal. The Council has confirmed a current housing land supply of 2.96 years and accepts that this constitutes a very significant shortfall, which has led to 'Action Plan' status being applied. As such, the presumption in favour of sustainable development is triggered. I attribute significant weight to this matter.
27. Notwithstanding that presumption, I have found adverse impacts from the proposed development that significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework, taken as a whole.

Conclusion

28. I conclude that the proposed development is contrary to the development plan when read as a whole and to the Framework, and there are no material

considerations to indicate that a decision should be taken other than in accordance with that plan.

29. The appeal is dismissed.

N Kempton

INSPECTOR