



Appeal Decision

Site visit made on 29 October 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/G5180/W/24/3346424

1st Cray Valley Air Scout Group, The Landway, Orpington, Bromley, BR5 3LH

- 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 Wali against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/00273/FULL1.
 - The development proposed is described as 'Change of use of ground floor from Scout Hut facility to Class C3 (Dwellinghouses) to form 3 residential units, with external alterations including roof alterations consisting of increase in ridge height and front and rear dormers and front porch. Please see design and access statement for further details.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would result in the unacceptable loss of a local community facility;
 - the effect of the proposed development on the living conditions of future occupiers with particular reference to light, outlook and outdoor space.
 - the effect of the proposed development on the living conditions of neighbouring occupiers in Welsey Close with particular reference to privacy;
 - whether the proposal would make adequate provision for access and parking, with particular reference to its effect on the character and appearance of the area in respect of trees.

Reasons

Loss of community facility

3. The appeal property is a former Scout Hut, previously used by the 1st Cray Valley Air Scout Group, a charity organisation dedicated to providing scouting activities for children in the St Paul's Cray area. Information before me

confirms that the site was removed from the Charity commissions register in 2014 and since its removal, the site has remained vacant.

4. Policy 20 of the Bromley Local Plan (2019) (BLP) states that planning permission will not be granted for proposals that would lead to the loss of community facilities unless enhanced provision is made in an equally accessible location, or that it can be demonstrated that there is no longer a need for them or other forms of social infrastructure. Policy S1 of the London Plan 2021 (LP) similarly states that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan. Policy S5 of the LP also seeks the retention of existing sports and recreation facilities.
5. The proposal does not appear to include measures to make enhanced provision and accordingly, it seems that the appellant's case relies on there no longer being a need for the community facility.
6. The appellant has highlighted several alternative community facilities that have opened in the area since 2014 and suggests that the communities' needs are being met through these alternative venues. However, I have no information before me as to whether these were new or replacement facilities, and more importantly, of the wider demand for social infrastructure in the area.
7. Paragraph 3.1.8 of the BLP clarifies that in relation to Policy 20, a demonstration of need should include, amongst other things, a six month period of marketing at a realistic value reflecting the existing use value. Whilst I am aware that the building has remained vacant since 2014, this consideration alone does not adequately demonstrate whether there is any interest in the site as a community facility. Therefore, in the absence of details of marketing or other substantive evidence, I am unable to conclude that the proposal would not result in the unacceptable loss of a community facility or other forms of social infrastructure.
8. The appellant has highlighted that the provision of three additional dwellings would help meet current and future housing needs of the community in line with the objectives of sustainable development and local planning policies. However, the provision of housing, whilst important, would not constitute a community facility for the purposes of the above policies.
9. I therefore conclude on this issue that it has not been sufficiently demonstrated that there is no longer a need for the community facility or other forms of social infrastructure. Accordingly, the proposed development would result in the unacceptable loss of a community facility and would be contrary to Policy 20 of the BLP and Policies S1 and S5 of the LP in this regard.

Living conditions – future occupiers

10. The proposed development would provide two, two-bedroom units on the ground floor and one, two-bedroom unit on the first floor. The accommodation is arranged so that bedroom windows would face The Landway, with other kitchen/living room windows facing the rear of the site.
11. The proposed first floor flat would be provided with a reasonable outlook to the front and rear, with adequate natural light reaching habitable spaces. The bedrooms serving the ground floor flats would also have a suitable outlook over

the frontage of the site and being south facing, would receive a generous amount of sunlight and daylight.

12. However, the kitchen/living room windows of the ground floor units would be north facing and despite having relatively wide openings, the amount of daylight received would be restricted, particularly having regard to their proximity to rear boundary enclosures and the dense vegetation that lies beyond the site to the rear. I therefore consider that the living areas to the ground floor units would be particularly dark and gloomy. Furthermore, the outlook from these windows would be highly restricted to the narrow gap between the rear wall of the building and the rear boundary of the site. I therefore consider that the combination of the restricted light to habitable rooms together with a rather oppressive outlook, would result in poor living conditions for future residents.
13. The appellant has confirmed that the ground floor flats would be provided with an outdoor amenity area of 18.2sqm and 23.6sqm respectively. However, the private amenity areas would be in the form of narrow strips to the rear and side of the building and would not offer particularly usable or practical spaces. The first floor flat would be provided with an inset balcony with an area of around 5.7sqm. However, the balcony would be north facing and given its inset design, would be highly constrained by the flank walls on the dormers on either side such that it would not offer future occupiers a high standards of amenity.
14. In conclusion, having regard to the above considerations, I find that the proposed development would have a harmful effect on the living conditions of future occupiers with particular reference to light, outlook and outdoor space. Accordingly, it would fail to comply with Policies 4 and 37 of the BLP which amongst other matters, require development to respect the amenity of future occupiers, providing healthy environments and ensuring they are not harmed by inadequate daylight and sunlight and to make provision for sufficient external, private amenity space that is accessible and practical.

Living conditions – neighbouring occupiers

15. The area immediately to the rear of the appeal site comprises a very densely overgrown area of land adjacent to a garage courtyard and parking area. From my observations on site it does not appear to form part of any of the neighbouring gardens.
16. The roof of the existing building would be raised and the two large dormers on the rear elevation of the building would serve habitable living accommodation.
17. The proposed dormer windows would allow views over the overgrown area and garage forecourt to the rear of the building. More distantly, angled views would be obtainable from these windows towards the rear gardens of dwellings in Wesley Close. However, a separation distance of around 21m would be achieved between the dormers and the rear garden boundaries of properties in Wesley Close. The proposed raised roof form and dormer windows would undoubtedly represent a change to the existing environment of occupiers in Wesley Close. However, within this urban setting, I consider the intervening distance and the angled nature of the views to be sufficient to ensure that the proposal would not result in any significant loss of privacy or outlook to the occupiers of neighbouring dwellings.

18. A balcony is also proposed on the rear elevation of the building. This balcony would be inset between the flank walls of the adjacent dormer windows. Whilst views towards the dwellings in Wesley Close would also be angled and relatively distant, the use of the balcony would be intrusive to neighbouring occupiers and would give rise to greater level of perceived overlooking. Furthermore, the overgrown area to the rear of the appeal site is not of sufficient height to provide sufficient mitigation.
19. Thus, I therefore conclude that the proposed development would have a harmful effect on the living conditions of neighbouring occupiers with particular reference to privacy. It would conflict with Policies 4 and 37 of the LP insofar as these policies seek to ensure that development does not harm the amenity of existing occupiers.

Whether the proposal would make adequate provision for access and parking, with particular reference to its effect on the character and appearance of the area in respect of trees

20. The proposal would provide 3no. on-site parking spaces within the frontage of the building. The Council confirm that the site is within low (1b) PTAL rate where the parking standards in the LP are up to 1.5 spaces per unit. Whilst not expressly objecting to the level of parking provision, the Council's main concern appears to be whether the proposed access and parking layout can be achieved without adversely affecting street trees considered to be of significant amenity value.
21. There are two street trees within the grass verge to the front of the appeal site. Whilst these trees are small, they do nonetheless contribute to the character and appearance of the area and, together with other street trees along The Landway, significantly enhance the existing urban environment.
22. The proposed crossovers would not require the removal of either of the street trees. A distance of over 2 metres would be retained between the centre of the tree trunk and the edge of the adjacent crossover. With regard to the second, wider crossover, a distance of about 2.34 and 2.8m would be provided between the edge of the crossover and the centre of the second street tree.
23. However, no evidence in the form of an arboricultural assessment has been provided to confirm that the crossovers could be constructed without resulting in harm to the adjacent trees, or that their future growth would not be compromised. Whilst the appellant states that the proposal meets the requirements of Policy 7 of the Bromley's tree management strategy policies, this policy appears to relate to excavation and utility companies.
24. Therefore, in the absence of any substantive evidence, I conclude that it has not been satisfactorily demonstrated that the proposed access and parking layout can be achieved without adversely affecting street trees. The loss of these trees would be harmful to the character and appearance of the area. Accordingly, the proposal would be contrary to Policies 30, 37, 73 and 74 of the BLP insofar as these policies require development to make adequate provision for off-street parking, take particular account of existing trees on the site and on adjoining land which are desirable to be retained and to positively contribute to the existing street scene and respect landscape features.

Planning Balance

25. The Council accept that they are unable to demonstrate a five-year supply of deliverable housing sites and that they have performed poorly in relation to the housing delivery test. Paragraph 11d) of the National Planning Policy Framework 2023 (the Framework) is therefore engaged. The Framework also seeks to significantly boost the supply of housing and confirms that small sites can make an important contribution to meeting the housing requirement of an area. However, in providing for three additional dwellings, the proposal would only make a small contribution towards housing supply which I assign moderate weight.
26. I have found that the proposal would result in the unacceptable loss of a community facility and would have a harmful effect on the living conditions of existing and future occupiers. Furthermore, it has not been adequately demonstrated that the proposed development would not have an adverse effect on street trees which contribute positively to the character and appearance of the area.
27. When assessed against the policies of the Framework taken as a whole, I conclude that the adverse impacts arising from the development would significantly and demonstrably outweigh the benefits to housing supply.

Conclusion

28. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR