



Appeal Decision

Site visit made on 4 December 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 JANUARY 2025

Appeal Ref: APP/G5180/W/24/3343772

Garages Adjacent 2 Shrewsbury Road, Beckenham, Bromley BR3 4DB

- 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 Oliver Denby of Binouze Estates Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/02120/FULL1.
 - The development proposed is described as “the re-development of dis-used garages on land between 2-4 Shrewsbury Road, London, BR3 4DB, to provide 1No 3B5P dwelling, and 1No 3B4P dwelling, plus off street parking for 3No cars, with active EV chargers, and landscaped private amenity areas, and new dropped kerb.”
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Decision

1. The appeal is allowed and planning permission is granted for the re-development of dis-used garages to provide 1No 3B5P dwelling, and 1No 3B4P dwelling, plus off street parking for 3no cars, with active EV chargers, and landscaped private amenity areas, and new dropped kerb at Garages Adjacent 2 Shrewsbury Road, Beckenham, Bromley BR3 4DB in accordance with the terms of the application, Ref DC/23/02120/FULL1, and subject to the schedule of conditions attached at the end of this decision.

Preliminary Matters

2. In my decision above, I have omitted reference to the appeal site’s address within the description of development as this is superfluous information.
3. Since the Council’s notice of decision, the National Planning Policy Framework (the Framework) has been revised (December 2024) and the Deputy Prime Minister and Secretary of State for Housing, Communities, and Local Government has issued a Written Ministerial Statement “Building the homes we need” dated 30 July 2024 regarding changes to the planning system. The main parties have had the opportunity to comment on these changes in regard to the appeal proposal, which have been taken into account in my decision.
4. Within their appeal documentation, the appellant submitted some itemised costs. The appellant was advised that this did not constitute an application for costs and was given time to make such an application if they so wanted, but no such application for costs was made. The appeal has been determined on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to its siting, scale, design and density.

Reasons

6. The appeal site contains redundant shallow pitched roof garages, it has a frontage onto Shrewsbury Road, between no's 2 and 4, and it also wraps around the rear of no.2. The rear part of the appeal site also abuts the rear boundaries of properties on nearby roads, including two storey pitched roof terraced dwellings that face onto Cromwell Road, and three storey flat roofed buildings containing flats that face onto Croydon Road. On both sides of this part of Shrewsbury Road the properties are mainly street fronting, two storeys high, and either terraced, detached or semi-detached, all having similar setbacks from the pavement edge, with a variety of roof forms. Behind the road frontage properties are various low-level buildings, including garages and domestic structures.
7. The existing garages at the appeal site are in a poor state of repair and do not appear to have been in active use for some time. They are of limited architectural merit and do not positively contribute to the character and appearance of the area, as such there are no objections to their demolition.
8. The proposed dwelling nearest Shrewsbury Road (dwelling 1) would be sited further back from the road than its adjoining properties and it would also extend beyond their rear elevations, nevertheless these changes would not be particularly significant, and their limited effect would not be harmful to the character and appearance of the area. Furthermore, its scale and height would be broadly similar to the properties to either side, and there would be a reasonable amount of space retained to both of its sides. In addition, the design of dwelling 1, with its hipped roof, and architectural style would not be out of character with the immediate area.
9. Whilst dwelling 1's rear garden would be shorter than most other properties on Shrewsbury Road, its rear boundary would be parallel with No 2's rear boundary, and this arrangement would not be harmful to the character and appearance of the area or readily discernible from public vantage points. I saw on my site inspection that there were vehicles parked to the front of other properties along Shrewsbury Road, to the extent that the proposed 3 no. parking areas in front of proposed dwelling 1 would not be wholly out of character in the area, nor would they appear particularly dominant given the parking spaces along both sides of Shrewsbury Road.
10. Within the rear of the appeal site, accessed via a pedestrian path to one side of dwelling 1, would be a second dwelling (dwelling 2), which would take the form of a sunken single storey dwelling (on a level said to be some 0.65 metre lower than the existing ground levels) with a flat green roof. The modern design of dwelling 2 differs somewhat to the appearance of properties in this area. However, given the varied architectural styles and roof forms in the locality, and its discrete location, its design and appearance would not be harmful to the character and appearance of the area.

11. Whilst dwelling 2 would occupy a large footprint in comparison to some dwellings nearby owing to its single storey design, its limited height and roof design, would mean it was not readily visible above existing and proposed boundary treatments or from public vantage points on nearby roads. Although it would be seen from some nearby properties, it would be in the context of other single storey buildings/structures in nearby gardens and represent an improvement to the current appearance of the garages, nor would its rectangular shape appear overly contrived. Its proposed green roof and planting within its private amenity area would positively contribute to the character and appearance of its location behind other properties, and to an extent help to mitigate its hard surfaced areas.
12. Both proposed dwellings would have adequate off-street parking, private amenity space, refuse and recycling provision, and cycle storage, along with a satisfactory separation to existing properties. As such, the proposed development of 2 no. dwellings would not be an over-development of the appeal site, and its density would be entirely appropriate in this location.
13. Although the appeal site is not garden land, the inner part of it can be regarded as constituting a 'backland' area. It is also acknowledged that the development of such areas differs from the mainly street frontage development in the nearby area, and the proposed dwellings would also have smaller gardens than the much longer rear gardens of some properties nearby. Nevertheless, for the reasons outlined above the proposed development would not be harmful to the character and appearance of the area. Moreover, the proposals would replace existing garages that are no longer in use, make an effective use of redundant land, and optimise the potential of the appeal site.
14. Dwelling 1 is proposed to have painted rendered walls, a slate roof, and painted timber windows, and dwelling 2 is proposed to be a tiled masonry façade with a green roof and polyester powder coated aluminium windows. These external materials, subject to a condition to agree their precise finishes would relate well to the surrounding built form.
15. No substantive evidence was submitted to demonstrate why allowing the proposal would lead to a precedent for other housing proposals that would be harmful to the character and appearance of the area. Furthermore, it is noted that other nearby sites which contain parking and garages near to and behind other properties, are mainly in use, and have a much different shape and relationship with the nearby roads than the appeal site, any proposals to develop them would not be directly comparable to the appeal site.
16. To conclude, the proposed development would relate well to the character and appearance of the area and comply with Policies 3,4,8 and 37 of the Local Development Framework, Local Plan, London Borough of Bromley, Planning Division, dated January 2019 (BLP) and Policies H2, D3 and D6 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (the LP) that amongst other things collectively require development of small sites to be of a high quality design, that responds to local character, complements the scale and form of adjacent buildings, provides a minimum 1 metre separation to side boundaries and ensures the optimisation of the site for an appropriate land-use.

Other Matters

17. I have also had regard to objections received from residents and others, expressing concerns in addition to the main issues above, relating to; vehicle parking and highway safety; the effects on the living conditions of neighbouring occupiers, including noise and disturbance, privacy, light, and outlook; disturbance from construction works; refuse storage, and the size of the proposed accommodation.
18. The comments about parking on Shrewsbury Road are noted and that the proposed 3 no. parking spaces would likely reduce on street parking availability, however there is no automatic right to park on the highway, and the proposal would provide a satisfactory level of off-street parking from the proposed development itself. I see no reason to disagree with the Council, that subject to appropriate conditions the proposal would not be harmful to highway safety.
19. A condition can be imposed regarding construction works and external lighting to limit their effects upon neighbouring occupiers, and a condition could be imposed to address refuse storage. The size of the proposed accommodation is above the minimum space standards, and I see no reason why future occupiers would not have satisfactory living conditions. Although the proximity of proposed dwelling 1 would have some effect on the side windows of No's 2 and 4, this would not be harmful in view of the respective separation distances and the spaces that the existing windows serve. In all other regards, I am content that the arrangement, scale, height and window positions on the proposed dwellings would not be harmful to the living conditions of neighbouring occupiers. Neither would the use of the residential properties be likely to create unacceptable levels of noise and disturbance for other nearby residential occupiers.
20. There has been no substantive evidence provided to show any likely harm or instability to neighbouring properties or structures due to the excavations proposed within the appeal site. The stability of the existing walls of the garages to be retained could be addressed by a suitably worded boundary treatment condition.
21. I have not been made aware of there being any conflict with development plan policies in respect of flood risk and the location of the appeal site, or that a flood risk assessment would be required for the development. Furthermore, a planning condition could be imposed to ensure that the appeal site itself can be effectively drained to minimise any flood risks.
22. The safe removal of any asbestos at the appeal site can be part of a contamination condition. There are no trees at the appeal site, although there are some on neighbouring properties, given that the intention is for the outer sides of the garages to be retained, along with the limited size and contribution the closest trees make to the area, I see no reason to disagree with the Council that there would be no unacceptable harm on these trees as a result of the proposal.
23. There have been concerns that the study/home office within proposed dwelling 1 could be used as a bedroom instead of a study. Home working space can commonly be required within properties and there is no evidence for me to find it would otherwise be used.

24. It has been mentioned that biodiversity and protected species may be present on and adjoining the appeal site, although I note that the Council has not stated there would likely be unacceptable impacts. In the absence of any substantive evidence to the contrary, I find no reason to disagree.
25. The submitted Fire Statement has adequately considered fire safety risks and how they can be mitigated through the design of the proposal. These issues would likely be addressed in detail at building regulations stage.
26. There is insufficient evidence to support the statements made that the effect of the proposed development on local services (including schools, doctors, and dentists) would be unacceptable, nor has the Council found any harm or sought any mitigation in this respect.

Conditions

27. A standard implementation condition has been imposed, along with a condition listing the approved plans, to provide certainty over what has been approved.
28. As there was insufficient information provided with the appeal proposals, and to ensure the site is drained in the most sustainable method, a condition requiring the submission of surface water drainage details is necessary. In view of the intended residential use of the site and that it is not known how the garages were used in the past, conditions regarding potential contamination are necessary (this includes the garage structures themselves).
29. To protect the living conditions of neighbouring occupiers, conditions are necessary in respect of the precise obscenity details of a second floor rooflight facing No.4 Shrewsbury Road; and a Construction Method Statement (CMS). It was not necessary to condition obscure glazing for the second floor rooflight facing no.2 Shrewsbury Road, given its position near to the roof's ridge height.
30. Conditions are necessary requiring the provision of the approved parking areas, together with the closure of the existing crossover and the implementation of the new crossover(s), to protect highway safety, reduce parking pressure locally, and to encourage sustainable travel. For the same reasons, a condition is necessary to secure the provision of secure cycle parking in accordance with those details shown on the approved plans. To comply with the Framework and to encourage low emission vehicles, it is necessary to condition details of electric charging points, including their charging specification.
31. To ensure the development does not harm the character and appearance of the area, conditions are reasonable and necessary regarding the external appearance of the development; external lighting; screening for the refuse storage area; details of all new hard and soft landscaping (including whether the new trees are fast or slow growing species); and to ensure the development is constructed in accordance with the levels shown on the approved drawings. In addition, boundary details are required to ensure a satisfactory appearance including an appropriate height, finish, and design. Where the proposed new boundary details are shown to be the retained walls of the existing garages, the condition will allow the details of the retained structures to be agreed to ensure there are no structural instability issues.
32. The condition regarding hard and soft landscaping details will allow the Council to agree appropriate planting, ground surfacing materials, and details for the

green roof, to protect the character and appearance of the area, and ensure adequate surface water drainage.

33. I did not find it necessary to condition wheel washing facilities as mud on the highway is governed by highway legislation, and breaches of such a condition could not necessarily be enforced. Whilst the plot sizes, particularly the dwelling to the rear are not large in comparison to some nearby, there were no special circumstances demonstrated to justify removing permitted development rights for alterations/extensions to the approved dwellings, nor did I find it reasonable or necessary to restrict such rights.
34. It is noted that the appeal site is said to be in an air quality management area, however I have not been made aware of any policy justification to control the specification of new gas boilers, consequently such a condition was not necessary. Moreover, it is noted that the proposal is for electric heating.
35. Although fire safety aspects have been considered as part of the submission, there is insufficient policy justification for imposing conditions regarding further fire safety details, likewise in respect of accessible and adaptable dwellings, these would likely be separate requirements at Building Regulations stage and planning conditions should not duplicate other regimes of control.
36. The council sought conditions to prevent the use of the green roof by future occupiers of dwelling 2 for amenity purposes. As there is no provision of a staircase to the roof, or any indication that use of the roof is likely to occur and given that there is adequate outdoor space for the occupiers of the property, such a condition restricting the use of the green roof was not reasonable or necessary. Neither was it reasonable or necessary to restrict any external pipework installations on the proposed development, some of which could be very minor and have minimal effect on the character and appearance of the area.

Conclusion

37. The proposed development accords with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no's 340 PL001 rev. 1 (site location plan); 340 PL002 rev. 1 (proposed block plan); 340 PL009 rev. 8 (proposed site and ground floor plan); 340 PL010, rev. 5 (proposed first floor plan); 340 PL011, rev. 5 (proposed second floor plan); 340 PL011 rev. 1 (proposed roof plan); 340 PL013 rev. 4 (proposed elevations); and 340 PL015 rev. 4 (proposed elevations).

3) No development shall take place until an assessment of the risks posed by any contamination (including the existing garage structures), carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:

- i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
- ii) the site has been remediated in accordance with the approved measures and timescale; and
- iii) a verification report has been submitted to and approved in writing by the local planning authority.

4) If, during the course of development (including demolition of the existing garage structures), any contamination is found which has not been previously identified, work shall be suspended until:

- i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
- ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- areas for the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- measures to control noise, and the emission of dust and dirt during construction;

and,

- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6) No works or development shall commence until a full specification of all hard and soft landscaping of the site, including the green roof, together with a timetable for their implementation has been submitted to and approved in writing by the local planning authority. The specification of the hard landscaping shall include details of its permeability. The specification of the soft landscaping shall include the quantity, size, species, and positions or density of all trees and planting, as well as how they will be planted and protected, and the proposed time of planting. The development shall be undertaken in accordance with the approved specification of both hard and soft landscaping details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7) Notwithstanding the submitted details and approved plans, and prior to the commencement of the development hereby approved, precise details of all boundary treatment to the site shall be submitted to and approved in writing by

the local planning authority, together with a timetable for implementation. The details shall include the height, design, and finish, and include details and stability of any retained structures. The development shall be undertaken in accordance with the approved details.

8) Prior to any works above ground level, precise details of all external materials to be used on the buildings, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

9) Prior to first installation, precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

10) Prior to the first occupation of the development hereby approved, electric vehicle charging points shall be provided for each of the approved dwellings in accordance with precise details, that shall first have been submitted to and approved in writing by the Local Planning Authority.

11) The parking areas shown on drawing no. 340 PL009 rev.8 shall be fully formed and available for use prior to the first occupation of the development hereby approved, and shall thereafter be retained in perpetuity for that use and not used for any other purpose.

12) Prior to the first occupation of the development hereby approved, secure cycle parking shall be provided in accordance with that shown on drawing no. 340 PL009 rev.8. Thereafter these secure cycle parking areas shall be retained in perpetuity for this use and not used for any other purpose.

13) Prior to the first occupation of the development hereby approved, refuse and recycling storage facilities shall be provided in accordance with the locations shown on drawing no. 340 PL009 rev.8 along with screening measures, the details of which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse storage facilities shall be retained in perpetuity for their intended purpose.

14) Prior to the first occupation of the development hereby approved, the new vehicular crossover and the closure of the existing crossover in front of the appeal site shall have been fully implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

15) Prior to the first occupation of the development hereby approved, the roof light nearest to no.4 Shrewsbury Road, on the side of the new dwelling facing onto Shrewsbury Road, shall be obscure glazed in accordance with obscurity details that shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved details.

16) The development hereby permitted shall be carried out strictly in accordance with the ground and floor levels shown on the approved drawings; namely drawing no's 340 PL013 rev. 4 (proposed elevations); and 340 PL015 rev. 4 (proposed elevations).

END OF SCHEDULE OF CONDITIONS