



Appeal Decision

Site visit made on 7 January 2025

by **M Ollerenshaw BSc(Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 JANUARY 2025

Appeal Ref: APP/G5180/W/24/3347454

The Alexandra, 163 Parish Lane, Penge, Bromley, SE20 7JH

- 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 Amir Sharon against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01166/FULL1.
 - The development proposed is construction of an upward extension including street facing fenestration above the lower height section of the existing building (163D Parish Lane) to create 3no. double rooms and a communal kitchen associated with the HMO use (Sui Generis) within the wider existing building. Additional installation of street facing fenestration in the existing second floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above has been taken from the decision notice, as it is a more precise description than that given on the planning application form.
3. As part of the appeal the appellant submitted an amended roof plan indicating two skylights above Bedrooms 17 and 18. This plan was not before the Council at the time the planning application was determined. However, it does not fundamentally change the proposal, and the Council had the opportunity to comment on it as part of the appeal process. Therefore, my acceptance of the amended plan would not result in procedural unfairness to any party.
4. The main parties were given the opportunity to comment on the relevance to the appeal of the revised National Planning Policy Framework (December 2024) (the Framework). I have had regard to the revised Framework in my decision.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the host building and the surrounding area, including the setting of the Alexandra Cottages Conservation Area; and whether the proposal would provide satisfactory living conditions for future occupiers with regard to natural light and ventilation.

Reasons

Character and appearance

6. The appeal site relates to a three-storey building located at the junction of Parish Lane and Penge Lane and adjacent to an elevated railway viaduct. The taller section of the building contains a public house/restaurant, while the lower section

includes a self-contained flat and is attached to the neighbouring property, 163a Parish Lane. The upper floors of the building are in use as a House in Multiple Occupation (HMO). The surrounding area is mainly residential.

7. The site is just outside the Alexandra Cottages Conservation Area (the CA), the boundary of which runs along the eastern side of Parish Lane. The significance of the CA is derived from the interrelationship between the street layouts consisting of linear rows of mid-late Victorian workers' cottages built in pairs on generous, uniform plots. The consistent architectural rhythm of the cottages is a distinguishing feature of the CA.
8. The host building is a landmark feature in the area due to its scale and prominent position within the street scene. It retains a traditional form and appearance featuring two distinct roof levels, with the higher section on the corner containing a well-proportioned glazed frontage at ground floor, and a regular pattern of window openings with decorative surrounds to the upper floors. The building has a stepped roof line consisting of the three storey section on the corner which steps down to the lower section, then down to the roof of the attached No 163a and the two storey terrace beyond. This harmonious transition can be appreciated at road level. The building contributes positively to the setting of the CA, though it does contrast with the more modest scale of the cottages.
9. The proposal is to raise the height of the lower section of the building to create a new loft floor with three double bedrooms and a communal kitchen associated with the existing HMO. For illustrative purposes, the submitted plans also indicate a mansard roof extension above the higher section of the building, which has been approved by the Council but not yet built¹.
10. The proposed roof of the extension would be in line with the parapet roof of the existing three storey section. However, it would result in a significant change in height between the host building and No 163a which would appear abrupt and jarring in the street scene. This would be particularly incongruous in the context of neighbouring properties, which are of a notably smaller scale, including the cottages within the CA opposite. The proposal would be clearly visible from certain vantage points within the CA, including Albert Road, and would be detrimental to views from here due to its scale, massing and design.
11. While the new windows to the north east elevation of the extension would be vertically aligned with the existing windows below, this elevation would appear somewhat crowded due to the two new rows of windows at second and third floor levels. These would not horizontally align with the upper floor windows in the existing three storey building and would therefore sit uncomfortably against it, notwithstanding the use of matching external materials.
12. For these reasons I conclude that the proposal would be harmful to the character and appearance of the building and the surrounding area, including the setting of the adjacent CA. It therefore conflicts with Policies 4, 37 and 42 of the Bromley Local Plan (2019) and Policies D3, D6, H2 and HC1 of the London Plan (2021), which amongst other things require development to be of a high standard of design appropriate to local character, and to preserve or enhance the setting of adjacent conservation areas.

¹ Council ref. 23/04470/FULL1

13. While the harm to the setting of the CA would be less than substantial, this is a matter to which I give great weight. Only limited positive weight can be given to the provision of the additional accommodation within the HMO given the modest scale of the proposal. Thus, the public benefits of the proposal do not outweigh the less than substantial harm identified.

Living conditions

14. The Council is concerned that Bedrooms 17 and 18 on the loft floor would not be provided with sufficient natural light and ventilation, having regard to the Council's Adopted Standards – Houses in Multiple Occupation (the HMO Standards), which set out the required size of window openings relative to floor area.
15. The amended roof plan submitted with the appeal indicates an openable skylight above both of these bedrooms which, in combination with the two windows serving these rooms to the south western elevation of the building, would provide ample natural light and ventilation. The proposed bedrooms would exceed the minimum size requirement for double rooms, as set out in the HMO Standards, and would therefore provide sufficient internal space.
16. For these reasons, I conclude that the proposal would provide satisfactory living conditions for future occupiers, having regard to natural light and ventilation. In this respect the proposal complies with Local Plan Policies 4 and 37 and London Plan Policy D6, which amongst other things seek to ensure that housing development is of high-quality design that provides adequately sized rooms with comfortable and functional layouts, and delivers appropriate daylight, outlook and privacy.

Planning Balance

17. The Council cannot demonstrate a five-year housing supply, with the Council's figures indicating a significant level of under supply. However, in relation to Framework paragraph 11 d), and having regard to footnote 7, the harm to the designated heritage asset provides a clear reason for refusing the proposal.
18. While the proposal would provide satisfactory living conditions for future occupiers, it would be harmful to the character and appearance of the area, including the setting of the CA. There would be a modest social benefit from the delivery of enlarged and improved HMO accommodation in an accessible location where there is currently an under provision of new housing, as well as minor economic benefits for the local area. Nevertheless, the harm resulting from the development would significantly and demonstrably outweigh the benefits of the scheme.

Conclusion

19. For the above reasons, I conclude that the proposal would conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that indicate a decision other than in accordance with it. Therefore, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR