

SECTION '2' – Applications meriting special consideration

Application No : 14/00754/FULL1

Ward:
Copers Cope

Address : Unit 1 Limes Road Beckenham BR3 6NS

OS Grid Ref: E: 537997 N: 169361

Applicant : Tranquil Homes Ltd

Objections : YES

Description of Development:

Change of use and conversion of existing B1 space to form 2 x two bedroom flats including first floor extensions and provision of two car parking spaces.

Key designations:

Conservation Area: Chancery Lane
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency

Proposal

The proposal is to convert the first floor of an existing business premises (use class B1) to form 2 x two bedroom flats (use class C3) with one associated car parking space. Elevational alterations to reconfigure part of the existing roof are also proposed, along with an extension to create additional living accommodation and a balcony to serve one of the new units.

On the ground floor, the two existing small offices will be converted to form an entrance lobby and large bike store, with the current lift shaft to be removed. Stairs will lead up stairs to the new residential units; Flat A is a two bedroom flat (GIA 63.5m²) incorporating a 3.5m deep extension at the southern side of the building, leading to a roof terrace. Flat A will also have new inverted windows in the eastern elevation, and four new 'conservation rooflights in the roof slope to allow daylight into the new unit.

Flat B also has two bedrooms and a GIA of 79.5m², and a new Juliet balcony in the northern elevation to serve the new living room. The existing windows in the eastern elevation (at the northern side of the building) will be re-used and will now serve the two bedrooms and bathroom for Flat B. A series of rooflights are also proposed in the roof to increase natural light inside the building.

Members should be aware that revised plans were received on 17th April indicating provision of one parking space as part of the development, and supported by a Parking Study carried out at the request of the Council's Highways department. These amended documents also made an adjustment to the proposed boundary treatment at the proposed first floor level roof terrace for Flat A following consultation with residents of a nearby property.

An additional period of neighbour consultation was undertaken following receipt of these documents.

Initial concerns were raised over the lack of display of a site notice advertising the proposed development. A series of site notices were displayed by the case officer on or near to the site on 27th March 2014 allowing a period for comments to be received.

Location

The application site currently comprises a commercial premises set on the eastern side of Limes Road, surrounded by gardens of the adjacent houses and flatted developments. The site is within the Chancery Lane Conservation Area.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- the building should be preserved
- the development will be out of character
- the building is the last remaining workshop building of this period
- the extension will alter the appearance of the building
- loss of privacy from the roof terrace
- new windows will create light pollution
- tandem parking is totally impractical
- overdevelopment
- the proposal is contrary to the SPG for the Conservation Area
- the proposal will destroy the character of the area
- the development would increase parking pressure in the area
- the unique combination of residential and business units in the area should be retained
- the commercial premises has been marketed at a time of recession
- the character and integrity of the building should be retained
- the new windows will not match the building
- the new windows will overlook neighbouring bedrooms
- noise and disturbance arising from the roof terrace
- a brick finish is alien to the existing render
- the extension and balcony back straight onto another property
- overlooking and loss of privacy at No.4 Crescent Road, including increased noise
- the 'un-utilised land' shown on the drawings is in fact a rear garden

- full materials specification should be provided prior to any work commencing
- loss of light to 23 Limes Road
- one flat with one parking space could perhaps be accommodated
- the open glazed 'void' at the northern end of the building is out of character
- loss of privacy ay 100-106 Bromley Road, Beckenham
- previous applications at the site have been refused by the Council
- the use of the cobbled area (marked on the plans as 'open void') behind 102 Bromley Road will lead to noise and disturbance
- the extension towards the rear of 102 Bromley Road will impact on natural light to the rear of the business operating from the site
- the 'open-void' will quickly become a recreation space for the new Flat B
- the commercial space has been marketed at an over inflated value leading to little interest being received
- the space is not large enough for two flats
- the parking study is inaccurate

Copies of all comments, objections and representations received can be viewed on the file.

Comments from Consultees

From Technical Highways perspective, the initial proposal for a 'tandem' parking arrangement was considered unworkable. The applicants were asked to provide a parking study and consider a revised parking arrangement. Revised plans, including a Parking Survey, were submitted on 17th April which shows provision of one car parking space. The accompanying survey concluded that the provision of a single space would not result in a detrimental impact on parking stress levels in surrounding streets.

The Council Highways Engineer has inspected the file and raises no objection to the revised proposal.

The Councils Environmental Health Officer has considered the application and visited the area. No objections are raised.

From Heritage and Urban Design perspective, the elevational changes are considered to be relatively minor insofar as the extension echoes the existing design, and the railings and screen are well set back from the front of the building. The proposal is not considered to be detrimental to the character and appearance of the Chancery Lane Conservation Area and therefore, subject to conditions, no objections are raised.

The Councils Advisory Panel on Conservation Areas (APCA) have inspected the file and raise no objections.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development
BE11 Conservation Areas
H7 Housing Density and Design
H9 Side Space
H12 Conversion of Non-Residential Buildings to Residential use
EMP5 Development Outside Business Areas
T3 Parking
T18 Road Safety

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

The Council also has adopted Supplementary Planning Guidance for the Chancery Lane Conservation Area, within which the property is located.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework which is a key consideration in the determination of this application.

Planning History

The site has an interesting planning history relating to previous unsuccessful planning applications for development proposals, as well as other decisions made by the Planning Inspectorate which are pertinent to the proposed development. These include:

- An application at Unit 1 in 2007 for a change of use of part of the first floor from light industrial (class B1) to residential accommodation (class C3) to form 1 two bedroom flat with elevational alterations and balcony railings on existing flat roof (ref: 07/00324/FULL1). This was allowed at appeal under ref: APP/G5180/A/07/2051813.
- In 2011, an application for the change of use of ground floor at Unit 1 from use Class B1 to use Class A1 (Retail) was granted consent
- In 2012, under ref: 12/00013/FULL3 an application at No. 4 Limes Road (the adjoining property) for a change of use from B1 to residential including the demolition of an existing covered area to facilitate a single storey front extension and provision of parking area was granted planning consent.
- It is also of note that an application to demolish the entire 'Oakhill Works' site and erect a 2/3 storey block of six apartments was refused by the Council under ref: 02/00435/FULL and subsequently dismissed at appeal (ref: APP/G5180/E02/1106167)

Conclusions

After considering the previous applications, and in particular the comments of the Planning Inspectors who considered the appeals in 2002 and 2007, it would seem that there are four main issues which Members will need to consider. These are:

the loss of the identified business premises on site; parking arrangements for the proposed development; the impact of the proposal on the Chancery Lane Conservation Area; and the impact on the amenities of surrounding residential properties.

Loss of business premises

Having visited the site, it is apparent that the business space is not ideal in terms of condition, layout and access, and would require a degree of investment in order to bring up to modern expectations of small scale commercial space of this nature. Members should note the Inspector's comments in his determination of a previous appeal (see appeal reference: APP/G5180/A/07/2051813) where he stated that "...in my view the size, location and access arrangements make this part of the property [Unit 1] unsuitable for independent business use".

The area could be considered a tertiary location, with significant restrictions in respect of loading and deliveries. Notwithstanding the above, from a planning policy perspective, one of the key objectives of Policy EMP5 is to retain a range of accommodation for different business uses. It is important, therefore, for the Council to look to retain individual sites unless there are significant reasons as to why their continued business use is not feasible. Planning applications need to provide evidence to show that the premises are no longer suitable for a use falling within Use Class B. A letter has been provided by Acorn Commercial which sets out that the commercial space has been marketed for a significant period (since January 2013) with little or no interest.

Members may consider therefore that the loss of the commercial space on site has been justified in respect of Policy EMP5, and when taking the comments of the previous Inspector into account.

Parking

Initial comments received from the Council's Technical Highways department raised concerns over the 'tandem' parking arrangement proposed, with revised plans (and an accompanying Parking Study) submitted subsequently which provides a justification for the provision of just one space. Anecdotally, the site is within an area with high on-street parking occupancy with little obvious parking availability.

No technical Highways objections have been raised; Members will need to consider whether the level of car parking provided has been adequately justified.

Impact on the Chancery Lane Conservation Area

Policy BE11 seeks to preserve or enhance the character or appearance of conservation areas, and existing features that contribute to the character of the area should be incorporated in to the design of any proposal. This site forms part of a small commercial area within the conservation area and any residential conversion should seek to respect the original use of the building. The Supplementary Planning Guidance (SPG) for Chancery Lane Conservation Area

states that 'changes of use will be acceptable only where, in the opinion of the Council, they would have no detrimental effect on the character of the area'

The site sits within a particularly sensitive location, where a high quality of design and materials would be required. The extensions and alterations proposed to be made to the host building are relatively minor and will be positioned on the rear and flank elevations. The roof extensions proposed and additional conservation rooflights are considered to respect the host building and surrounding development, without being overtly visible from the streetscene. Members will note that no objection has been raised by the Councils Advisory Panel for Conservation Areas.

On balance, the proposal is not considered to be detrimental to the character and appearance of the Chancery Lane Conservation Area and therefore, subject to conditions, no objections are raised.

Impact on amenity

The biggest concern with the proposal relates to the impact on surrounding amenity. The site has a complex layout and an unusual relationship with surrounding development, with the current commercial nature of this part of the building meaning that the intensity of the use is likely to be confined to during the working day. A residential use of the site would give rise to a possible intensification in use, although Members will note the area (and site itself) is already predominantly residential in nature.

The proposal would largely re-use the fabric of the existing building, with new rooflights and inverted windows proposed for the eastern elevation. The site is within an urban/suburban setting where a degree of overlooking is to be expected, and the general principle of residential use at the site has been broadly accepted by previous decisions (see planning history above).

The proposal includes a series of new roof windows in the eastern roof slope which would be at a high level and would allow light into the proposed flats. Two new full height 'inverted' windows are proposed in the first floor of the eastern elevation. The plans indicate that these have been recessed in order to prevent a direct view into the gardens of adjoining properties, and the outlook would be onto land indicated as being 'un-utilised' to the east of the site.

Having visited the site it is clear that this land is in fact the garden area belonging to the occupants of No.104 Bromley Road. The new side windows as proposed are considered to result in an unacceptable loss of privacy and sense of overlooking at neighbouring properties and as such are not acceptable.

The scheme also incorporates provision of a roof terrace at the southern end of the site beyond the proposed first floor extension. Whilst noting the provision of a 1.8m privacy screen, the proximity of The Limes to the area to be used as external amenity space for Flat A is such that the terrace is likely to result in an unacceptable impact in terms of additional noise and disturbance. This also has the potential to have a detrimental impact on the amenities currently available from the garden at No.104 by an increased perception of being overlooked.

Members will note that the appeal Inspector when considering the 2007 application at the site attached a condition restricting the use of the existing flat roofed area on the first floor for sitting out, although concerns have been raised that this condition has not been adhered to. This is not a matter for consideration as part of this application, however it would appear that no precedent has been set by the existing use of part of this terrace area as external amenity space.

At the northern extremity, the building is currently set up as two offices and two toilet areas. The proposed drawings indicate that this area would become two bedrooms and a bathroom. A Juliet balcony is also proposed to replace an existing window in the northern elevation, which would continue to face towards the rear of No's 100 -106 Bromley Road.

Given the proximity to the boundary and the existing relationship between the site and the rear elevations of No.102a and 104 Bromley Road, and noting a significant degree of vegetative screening at the boundary with No.104, Members may consider that the impact of these windows is not significantly different to the impact of the use if those for commercial purposes. Concerns have been used over the possible use of the existing courtyard area at the northern end of the site as an external amenity space. The applicants agents has confirmed that this area is owned by the property on the ground floor. The proposed flats will have a legal means of escape in the event of fire from what will be Flat B, however, the courtyard area would not be used as outdoor recreation space for the proposed development.

On balance, it is considered that any perceived loss of privacy arising from the windows in this part of the building is not considered to be significantly increased by the provision of a Juliet balcony. Members will note that the existing relationship between the commercial premises and surrounding properties is already unusual; therefore a view must be taken as to whether the proposal represents an improvement over the current set-up or a significantly increased impact.

In summary, Members may consider that the principle of residential development at the site was broadly accepted by the Inspector who considered a previous scheme, and the loss of business premises on site has been justified by previous decisions and the evidence provided by the applicants.

From a Highways perspective, the site is in a sustainable location a short distance from Beckenham High Street and alternative modes of transport. No technical objections have been raised from the Councils Highways Engineer, subject to conditions.

The site is within a sensitive location, however the external alterations, in broad terms, are not considered to have a negative impact on the appearance of the host building or the wider streetscene and Conservation Area to such an extent as to warrant refusal of planning permission on this basis.

However, the provision of new windows in the first floor side elevation towards the garden of No.104 is considered to result in an unacceptable degree of overlooking and loss of privacy. The provision of a roof terrace area, as proposed, is also

considered to lead to a detrimental impact on the amenities of nearby properties by way of an increased sense of overlooking, loss of privacy and the potential for increased noise and disturbance. On this basis the application is recommended for refusal

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

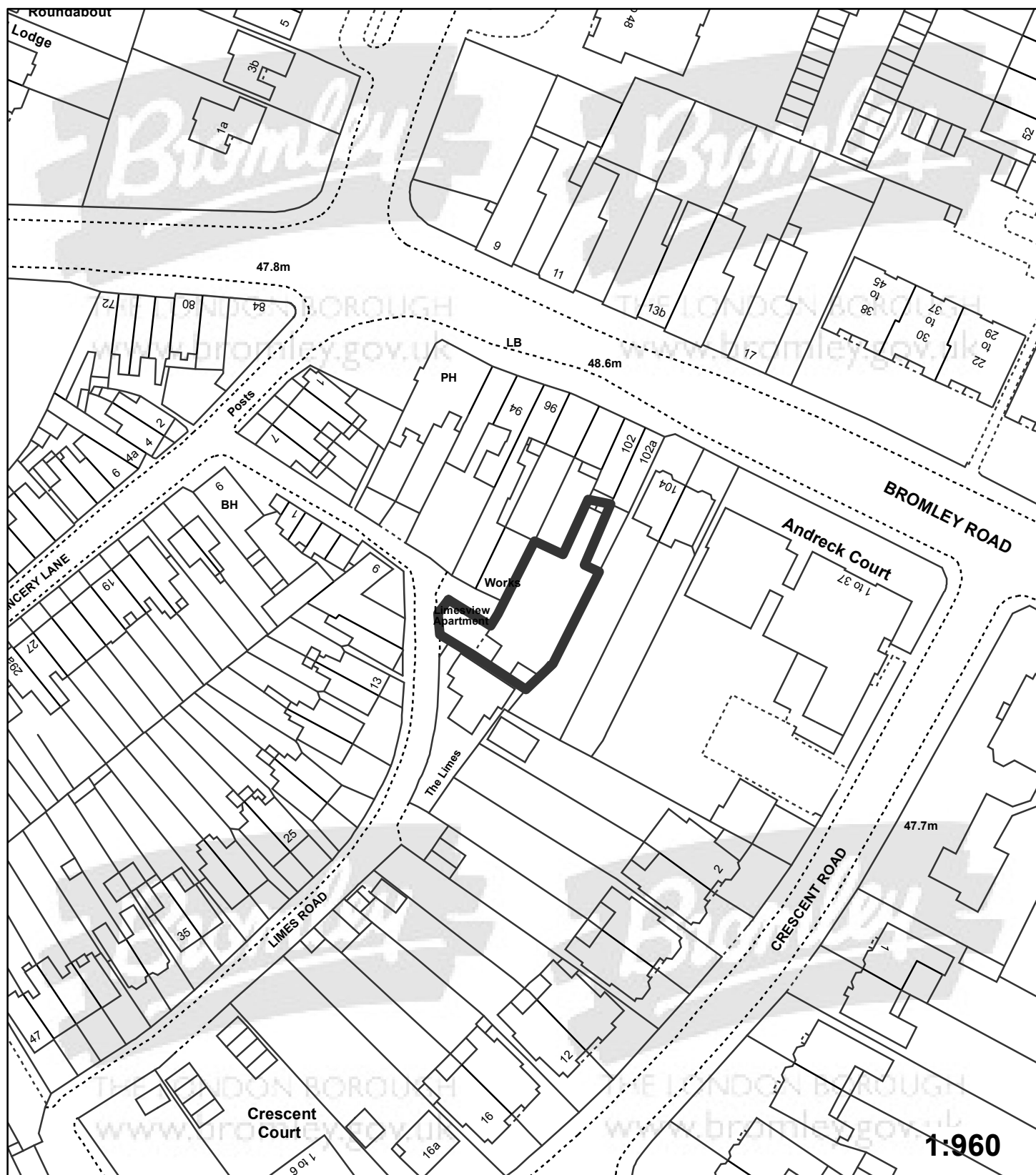
The reasons for refusal are:

- 1 The proposed introduction of full height windows in the first floor flank (eastern) elevation would result in an increased sense of overlooking and loss of privacy towards the gardens of No.104 Bromley Road, Beckenham, leading to a detrimental impact on the amenities currently enjoyed by the occupants of that property, contrary to Policy BE1 of the Unitary Development Plan.
- 2 The use of the existing flat roofed area at the southern end of the site as an external amenity area would result in a detrimental impact on the amenities of neighbouring properties (particularly at The Limes) by reason of undesirable overlooking, loss of privacy and potential increased noise and disturbance associated with the use of the terrace, thereby contrary to Policy BE1 of the Unitary Development Plan.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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