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# Appeal Decision

Site visit made on 28 June 2016

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 August 2016**

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**Appeal Ref: APP/G5180/W/16/3147940**

**Burgh Hill, Kingswood Road, Shortlands, Bromley BR2 0HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Kokchong Chan against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/15/05470/FULL1, dated 15 December 2015, was refused by notice dated 11 March 2016.
  - The development proposed is 'the conversion of garage and studio below to form one bedroom dwelling, including elevational alterations and new external terrace with pergola (resubmission)'.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. In March 2016 the Mayor of London published 'Minor Alterations to the London Plan (the MALP). The MALP include alterations to the floor space standards for dwellings set out in Table 3.3 that is cross referenced in Policy 3.5 of the London Plan (originally of 2011 and now subject to various revisions) (the London Plan). The MALP having been introduced to bring the London Plan into conformity with the 'Technical housing standards – nationally described space standard' (the THS) introduced by the Government in March 2015.
3. While the aforementioned change to the development plan has arisen in the period between the refusal of planning permission and the submission of this appeal, the appellant has had the opportunity to comment upon it. I am therefore content that I can take into consideration the provisions of the extant London Plan without prejudice being caused to the appellant. As the London Plan forms part of the development plan that is extant within the Council's area and its provisions reflect those of the THS, I find it unnecessary for me to comment on the appellant's submissions about whether or not the THS should have been applied by the Council when it determined the appealed application.

## Main Issue

4. The main issue is whether the proposed dwelling would provide acceptable living conditions for its occupiers, with particular regard to the available floorspace, the receipt of natural light and ventilation.
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## Reasons

5. The appeal premises are two storeys in height and comprise a block of three garages on the upper level, accessible via Burgh Hill, and a vacant pottery studio on the lower level. The premises back onto 48 Valley Road (No 48), a four storey semi-detached property that has been converted into flats.
6. The proposal would involve the conversion of the premises into a one bedroomed dwelling, with two of the garages being retained for parking purposes. To assist with this conversion a two storey rear stairwell extension would be provided. The appealed application having been submitted following the dismissal of an appeal<sup>1</sup> concerning application 14/02644/FULL.
7. Despite submissions to the contrary I consider this proposal should be treated as being for a two storey dwelling because there would be habitable accommodation on both floors and the layout would be typical of many houses, i.e. non-sleeping and sleeping accommodation respectively on the lower and upper floors. Policy 3.5 of the London Plan requires two storey, two person, one bedroom dwellings to have a minimum gross internal area of 58 square metres (m<sup>2</sup>) and it is agreed that this dwelling would have an area of 53m<sup>2</sup>. This dwelling would therefore fall some way short of what is a minimum space standard and in this respect this proposal would not comply with Policy 3.5 of the London Plan.
8. To minimise the potential for unacceptable overlooking to arise between the new dwelling and the properties in Valley Road it is intended that a pergola and latticed glazing would be installed at ground floor level to the rear of the dwelling. I find that the siting of the pergola would be likely to adversely affect the level of natural light received within the living room and kitchen areas, given the proximity of its vertical screen to the lower floor windows. I also consider that the aforementioned privacy measures would adversely affect the outlook that would be available to the dwelling's occupiers using the single aspect main living space. I therefore find the privacy measures in fulfilling their purpose would unacceptably limit the receipt of natural light to and outlook from the accommodation.
9. While concern has been raised about the adequacy of the ventilation arrangements for the lower floor accommodation this is something that I understand from the appellant's case would be a matter for detailed consideration under the Building Regulations. Accordingly as this is a matter that comes within the scope of other legislation I am not persuaded that it relates to an issue that would be grounds for the dismissal of this appeal. My findings with respect to the ventilation arrangements are, however, outweighed by those concerning the inadequacy of the dwelling's internal floorspace and the poor levels of natural lighting and outlook that would be available to this accommodation's occupiers.
10. For the reasons given above I therefore conclude that the development would provide unacceptable living conditions for its occupiers. The development would therefore be contrary to Policy 3.5 of the London Plan and Policies BE1 and H12 of the Bromley Unitary Development Plan of 2006, insofar as these policies require new housing to be of the highest quality by providing

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<sup>1</sup> APP/G5180/W/14/3001230

adequate internal space and an environment that would provide satisfactory living conditions for its occupiers.

### **Other Matters**

11. The development would make a contribution to the provision of additional housing within the Council's area, however, this would be very modest. I am of the opinion that the scale of the external alterations to the premises would be such that they would not be harmful to the area's character and appearance. I am also mindful of the fact that there is no disagreement about the development's effect upon the living conditions for the occupiers of neighbouring properties and I see no reason to take a contrary view about that matter.
12. While the aforementioned matters provide some support for this scheme, I consider them to be outweighed by the harm that I have identified, with that harm resulting in conflict with various development plan policies. I therefore find that the presumption in favour of permitting sustainable development, most particularly referred to in paragraph 14 of the National Planning Policy Framework, has not been engaged and that the various other paragraphs in the Framework drawn to my attention do not assist the appellant's case.

### **Conclusion**

13. The inadequacy of the available internal floorspace, outlook and natural lighting I have identified would result in unacceptable living conditions for the occupiers of the proposed dwelling. I therefore conclude that this appeal should be dismissed.

*Grahame Gould*

INSPECTOR