

<b>Committee Date</b>	08.06.2023	
<b>Address</b>	20 Southey Street Penge London SE20 7JD	
<b>Application Number</b>	22/04784/FULL1	<b>Officer</b> - Susanna Stevenson
<b>Ward</b>	Penge And Cator	
<b>Proposal</b>	Partial demolition, internal and external alterations and conversion of building to 2 no. self-contained studio flats.	
<b>Applicant</b>	<b>Agent</b>	
Mr Brian Smith	Mr Mayur Vashee	
4 Pondfield Road Bromley Kent BR1 7HS	103 Station Road West Wickham London BR4 0PX	
<b>Reason for referral to committee</b>	Enforcement history	<b>Councillor call in</b> No

<b>RECOMMENDATION</b>	PERMISSION
-----------------------	------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 1</p>
---

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Storage (Former class B8)	115
Proposed	Residential (Class C3)	86

<b>Residential Use</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market	2				2
Total	2				2

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	1	0	-1
Disabled car spaces	0	0	0
Cycle	0	2	+2

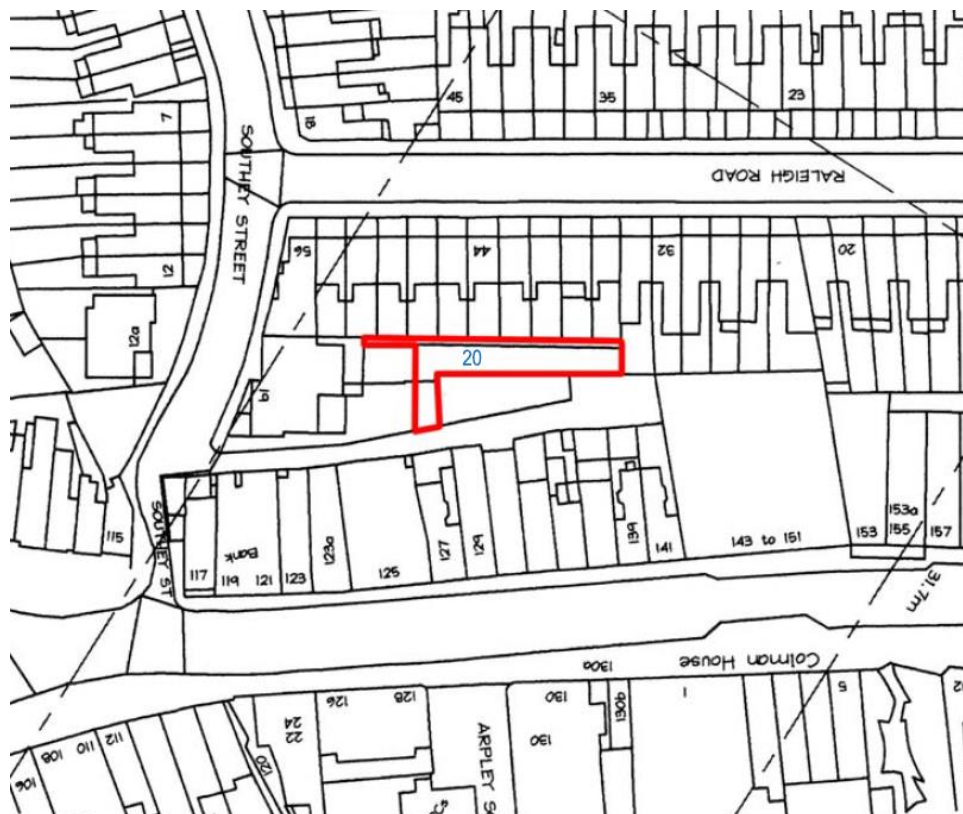
<b>Representation summary</b>	Letters were sent to neighbouring owners/occupiers on 12 <sup>th</sup> December 2022 and on 20 <sup>th</sup> June 2023.
Total number of responses	5
Number in support	0
Number of objections	5

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would form two residential dwellings of an acceptable quality, making a modest contribution to housing supply
- The conversion of the existing building would result in residential accommodation which would not be uncharacteristic of the mixed pattern of development in the area
- The proposal would not have a significant detrimental impact on the residential amenities of neighbouring dwellings
- Subject to conditions, the proposal would not give rise to unacceptable demand for on-street parking, and in light of the transport accessibility of the town centre site, the site is suitable for car-free development

## 2. LOCATION

- 2.1 The application site lies immediately between a larger two storey commercial building (No. 21) and the rear boundary of dwellings fronting Raleigh Road - sharing the rear wall of the attached building at No. 21.



*Figure 1 – Site location plan*

- 2.2 It is entirely enclosed on one side by the two storey commercial building. A narrow access runs along the north eastern elevation of the building, enclosed on one side by the rear boundary fencing associated with the Raleigh Road dwellings' rear gardens and on the other by the application building. The boundary with the residential dwellings fronting Raleigh Road is formed by a timber fencing which appears to be approx. 1.8m high.



**Figure 2 – Aerial view (building as existing highlighted yellow)**



**Figure 3 Existing entrance to building**

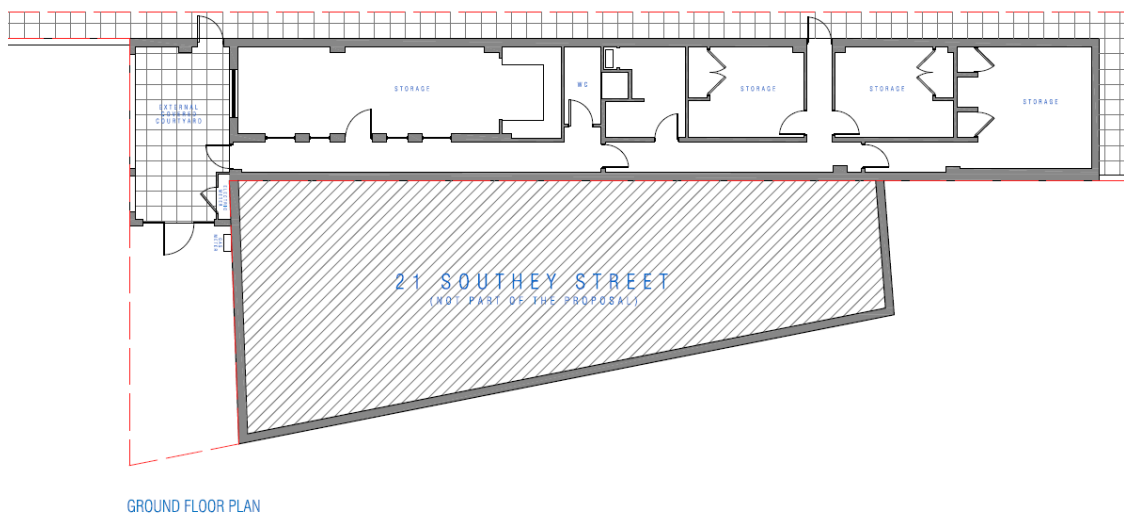
2.3 The surrounding area is mixed in character, with the alley/access to which the front of the building and the parking area relates servicing the rear of commercial premises on the High Street as well as providing pedestrian access to the flats above those commercial properties. To the north of the site is a modern block of flats, separated from the host building by a parking area. The host building and the service yard form a buffer between the more intense commercial uses associated with the High Street and the modest two storey terraced residential dwellings fronting Raleigh Road, which have rear gardens adjacent to the rear path immediately adjacent to the building which are approx. 9m long (6m from the rear elevation of their rear outriggers).



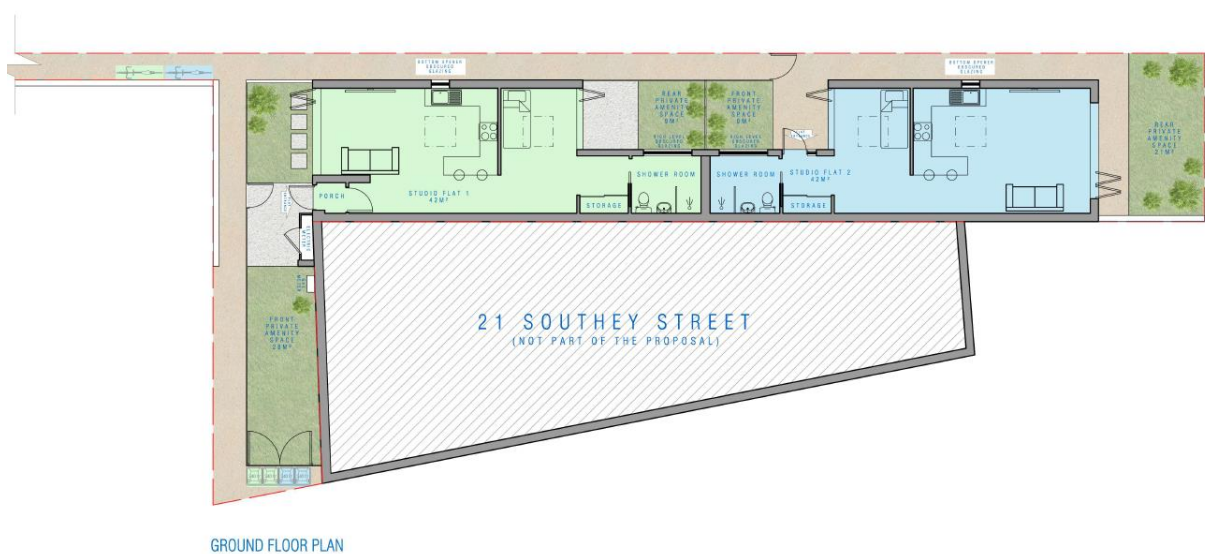
*Figure 4 Rear alleyway as existing*

### **3. PROPOSAL**

- 3.1 Planning permission is sought for the partial demolition of the existing storage building, elevational alterations to the building, and the conversion of the building resulting from the demolitions and alterations into 2 no. studio flats.
- 3.2 In terms of the extent of demolitions, the application proposes the removal of a section of the existing building to the centre of the rear elevation, reducing the footprint of the building by approx. 31sqm. It is also proposed to reduce the length of the building, demolishing a section of the building to provide increased space between the end of the structure and the south eastern boundary (increase from approx. 0.83m to approx. 3.52m. In addition, the existing covered courtyard area to the northern side of the building will be removed, with the northern elevation of the retained building aligning with the main flank elevation of 21 Southey Street.

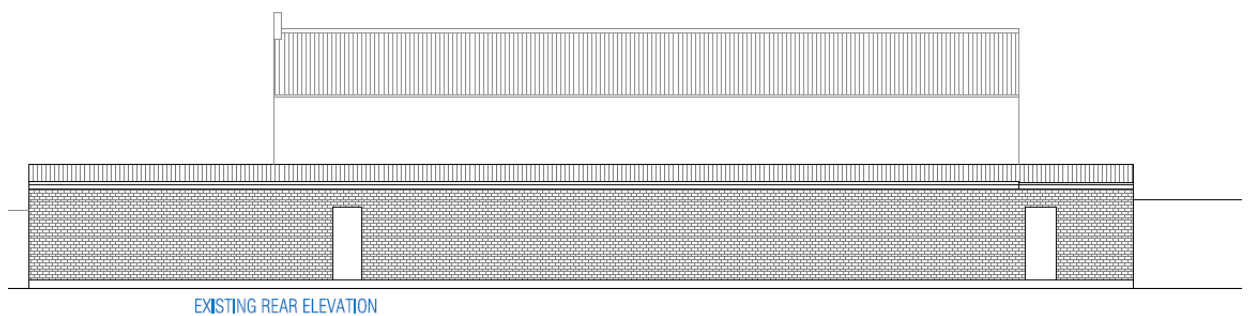


**Figure 5 Existing ground floor plan**



**Figure 6 Proposed ground floor plan**

- 3.3 The resultant space to the side of the building at each end would be set out as private amenity space. Cycle storage is proposed to be provided to the rear/side of the building within the private rear alleyway and refuse storage would be provided to the front of the site. The demolition of part of the main building to recess approx. 18.4sqm space would provide a courtyard amenity space between the two units. Windows within the inward facing elevations formed through the works would face to the amenity space and would be clear glazed. Also facing the courtyard would be 2 sets of high level obscure glazed windows (serving shower rooms) and the entrance door to studio flat 2.
- 3.4 Within the retained rear elevation two windows would be installed, serving kitchen space, which would open from the bottom and would be obscure glazed.



**Figure 7 Existing rear elevation facing r/o Raleigh Road**



**Figure 8 Proposed rear elevation**

- 3.5 Internally, the space would be configured as 2 no. self-contained studio flats of symmetrical layout, with the bedroom spaces of each unit being positioned to wrap around the formed private amenity space. Studio 1 would be approached via the existing entrance, and would benefit from amenity space to the side, between the entrance to the unit and the pathway leading to the rear accessway and to Studio 2, as well as the enclosed patio space within the formed recess at the rear.
- 3.6 Studio 2 would be accessed via the path to the rear of the building, between the flank elevation of Studio 1 and past the rear amenity space of Unit 1. It would have a private rear amenity space to the south of the building, formed through the demolition of the rearmost section of the building as well as a small area of patio adjacent to the “front” door.

3.7 Studio 1 would have a Gross Internal Area (GIA) of 42sqm and Studio 2 would have a GIA of 42sqm. Each dwelling would benefit from rooflights (two per property) and large window openings/patio doors which would be positioned at each end of the building. In addition, light to the bedspaces would be provided by flank windows facing onto the recessed area at the rear of the building. The obscure glazed, bottom opening windows in the rear elevation of the building would be positioned relative to the kitchen layout inside.

#### 4. RELEVANT PLANNING HISTORY

4.1 The application site has a lengthy recent planning history, which is summarised below:

4.2 17/04393/FULL2

Planning permission was refused for development described: "Conversion of storage building to 3 bedroom residential dwelling (PART RETROSPECTIVE)."

Permission was refused on the grounds:

1. *The proposal would result in a dwelling with a poor standard of residential accommodation, lacking in natural light and ventilation and adequate amenity space to serve a dwelling of the size proposed, thereby contrary to Policies H7 and H12 of the Unitary Development Plan, Policies 4 and 10 of the Draft Local Plan and Policy 3.5 of the London Plan.*
2. *The proposal would have a detrimental impact on the residential amenities that the occupiers of neighbouring dwellings might reasonably expect to continue to enjoy, by reason of loss of privacy and unacceptable overlooking resulting from the proposed windows in the north eastern elevation of the building, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 37 and Policy 7.6 of the London Plan.*

An appeal against the refusal of planning permission was dismissed under reference APP/G5180/W/18/3194482 on 19/9/18.

The Inspector considered within the application the two elements of the proposal - the development which had already been carried out (noting that the dwelling was already occupied) as well as the proposed installation of windows within the eastern elevation.

With regards to the living conditions of future occupants, the Inspector considered that given the close proximity of the proposed windows to the boundary fence, they would have very restricted outlook, resulting in a dark and gloomy dwelling which would not provide satisfactory living conditions.

The amenity space was considered to lack privacy and sunlight and to be of poor quality, inadequate for family use.

With regards to the impact of the proposal on the amenities of neighbouring residents, the Inspector concluded that the proposed windows due to their proximity to the boundary fence and their height in relation to the boundary fence would cause harm through overlooking of the gardens and houses fronting Raleigh Road. It was noted that the gardens of Nos. 34-52



Raleigh Road have relatively short rear gardens. While it was assessed that obscure glazing would overcome harm by overlooking, the by-product of obscure glazing would be to fail to address the issue associated with lack of outlook and light.

An enforcement notice was served on 14/8/18.

#### 4.3 18/02596/FULL1

Planning permission was refused (in the period between the refusal of planning permission under reference 17/04393/FULL1 and the serving of the enforcement notice) for development comprising the partial demolition of the building to provide a rear courtyard, with elevational alterations to the rear and side in conjunction with the conversion of the storage building to residential use. Planning permission was refused for that application on 18/9/18 on the grounds:

*1. The proposal would result in a dwelling with a poor standard of residential accommodation, lacking in natural light and ventilation and adequate amenity space to serve a dwelling of the size proposed, thereby contrary to Policies H7 and H12 of the Unitary Development Plan, Policies 4 and 10 of the Draft Local Plan and Policy 3.5 of the London Plan.*

*2. The proposal would have a detrimental impact on the residential amenities that the occupiers of neighbouring dwellings might reasonably expect to continue to enjoy, by reason of loss of privacy and unacceptable overlooking resulting from the proposed windows in the north eastern elevation of the building, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 37 and Policy 7.6 of the London Plan.*

#### 4.4 Enforcement appeal

An appeal against the enforcement notice served in August 2018 was lodged on 12/10/18.

The enforcement appeal was dismissed in part, with the appeal on ground (g) being allowed and the EN being varied to a 6 month period for compliance.

In dismissing the appeal the Inspector had regard to the development for which retrospective planning permission had been refused under 17/04393/FULL2 (under a ground (a) appeal).

The Inspector noted that the appellant made the argument that the Council's concerns had been addressed in planning application 18/02596/FULL1. However, the Inspector confirmed that the deemed application in the ground (a) appeal was the development the subject of the notice and not the development proposed under 18/02596/FULL1. Therefore the deemed application related to the material change of use of a storage building to a three bedroom residential dwelling, and the consideration of the alternative proposal was not found to be within the remit of the deemed application under ground (a). No appeal was submitted within the requisite time period following the refusal of planning permission under reference 18/02596/FULL1.

The reasoning in the Inspector's appeal decision relates as a consequence to the development and use as then existed i.e. to the three bedroom unit without a courtyard.

It was noted with regards to neighbouring amenity that the development as provided on site/as carried out did not cause undue harm to neighbours with the Inspector stating: "Separation distances and the absence of windows means that there is no adverse overlooking or loss of privacy. As explained it is not within my remit in this appeal to comment on the proposed alternative scheme which introduces windows onto residential facing elevations."

With regards to the living conditions within the dwelling, the Inspector noted:

- the property is principally single aspect with one single north-west facing window opening onto the covered lobby area
- the absence of natural light creates a gloomy and oppressive atmosphere
- habitable rooms have no external doors and natural ventilation is poor
- the amenity space is not of a practical size and utility being small, enclosed on all sides and failing to satisfy the SPG in terms of its size

The Inspector found that the development as provided and refused under 17/04393/FULL2 was unacceptable as a consequence of the poor living conditions resulting from inadequate daylight, ventilation and amenity space. Comments regarding the five year housing land supply were not considered to outweigh the significant and demonstrable harm identified.

#### 4.5 19/04132/FULL1

Planning permission was refused for the conversion of a storage building to residential (Part Retrospective). In this proposal, the application was noted as being retrospective insofar as the building at the time was still residential (without authorisation) i.e. fitted out as such. In terms of the proposed alterations within the application these were summarised:

- Demolition of part of the building to form an external courtyard area between the two bedrooms.
- Installation of windows to the north eastern elevation, facing the rear alleyway between the building and the boundary fence with dwellings fronting Raleigh Road.
- Removal of internal partition between the hallway/corridor as existing and the open plan lounge/kitchen
- Installation of rooflight within bedroom corridor
- Provision of trellis to the front of the formed courtyard between the bedrooms and to the rear of the courtyard adjacent to the main front entrance
- Substitution of window to north western lounge elevation with a set of outward opening doors

4.6 Members are advised that during the course of this application, the site was visited and it was apparent that the fittings associated with the unauthorised dwellings had been/were being removed (site visit 28<sup>th</sup> February 2023).

## 5. CONSULTATION SUMMARY

### A) Statutory

Highways (LBB): NO OBJECTION

The site is in an area with PTAL rate of 4 on a scale of 0 – 6b, where 6b is the most accessible. No car parking space would be offered by the applicant, which is acceptable in principle providing the resident's rights to Parking Permits would be restricted. This will prevent the development contributing to the on-street parking congestion.

### B) Local Groups

None commented.

### C) Adjoining Occupiers

Impact on neighbouring amenity (addressed at para. 7.5)

- The bottom-open windows when fully open and use of the alleyway will result in loss of privacy and security to dwellings fronting Raleigh Road
- Noise associated with building works
- Noise associated with the amenity spaces/additional footfall – impact on neighbouring properties

Highways (addressed at para. 7.6)

- Traffic conditions will be worsened by the addition of more flats in the locality

Quality of residential accommodation (addressed at para. 7.4)

- Lack of privacy for the proposed amenity space/dwellings

## 6. POLICIES AND GUIDANCE

National Policy Framework (2021)

The London Plan (2021)

SD6 Town centres and high streets

SD8 Town Centre Network

D1 London's form and characteristics

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H10 Housing Size Mix
- S4 Play and informal recreation
- G5 Urban greening
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking

### **Bromley Local Plan 2019**

- Policy 1 Housing Supply
- Policy 4 Housing Design
- Policy 10 Conversion of Non-Residential Buildings to Residential
- Policy 13 Renewal Areas
- Policy 14 Development Affecting Renewal Areas
- Policy 15 Crystal Palace, Penge and Anerley Renewal Areas
- Policy 30 Parking
- Policy 32 Road Safety
- Policy 37 General Design of Development
- Policy 119 Noise

### **Supplementary Guidance**

- Urban Design Supplementary Planning Document (Bromley 2023)
- Housing Design Standards (London Plan Guidance) 2023
- Technical housing standards - Nationally Described Space Standard (March 2015)
- National Design Guide - (September 2019)

## **7. ASSESSMENT**

### **7.1 Principle of development ACCEPTABLE**

- 7.1.1 The building the subject of this application was formerly in use as commercial storage.
- 7.1.2 No information has been submitted with this current application to detail how long ago the storage use ceased and what efforts may have been made to market the premises, to support the genuine redundancy of the unit. That said, this was also the case with the previous applications within the planning history and the loss of the commercial unit was not within the case history considered to represent grounds for refusal of planning permission.
- 7.1.3 In the assessment of the loss of the commercial unit, it has been consistently noted that with regard to the redevelopment of the larger business site which encompassed the current application site and land to the north which is now occupied by a flatted block, it was submitted (under ref. 06/00296) that the condition of the buildings and the access arrangements meant there was very limited market demand for the continued business use of the site. This point of view was accepted by Members at the time in granting planning permission under reference 09/02043, and the loss of business premises was not raised as a concern in respect of these or subsequent applications relating to the site.
- 7.1.4 Similarly, in the recent appeal history on the site, while shortcomings have been identified regarding the quality of accommodation and impact on neighbouring amenity, there has been no in-principle objection to the conversion of the building.

#### Housing Supply

- 7.1.5 The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.
- 7.1.6 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.
- 7.1.7 The NPPF (2021) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the

application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.1.8 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.1.9 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

7.1.10 This application includes the provision of 2 additional dwellings and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Optimising Sites:

7.1.11 Policy H1 Increasing Housing Supply of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the London Plan set the context in the use of sustainable brownfield sites for new housing delivery.

7.1.12 Policy H2 Small Sites of the London Plan states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.

7.1.13 The London Plan does not include a prescriptive density matrix and promotes a design-led approach in Policy D3 to optimise the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and

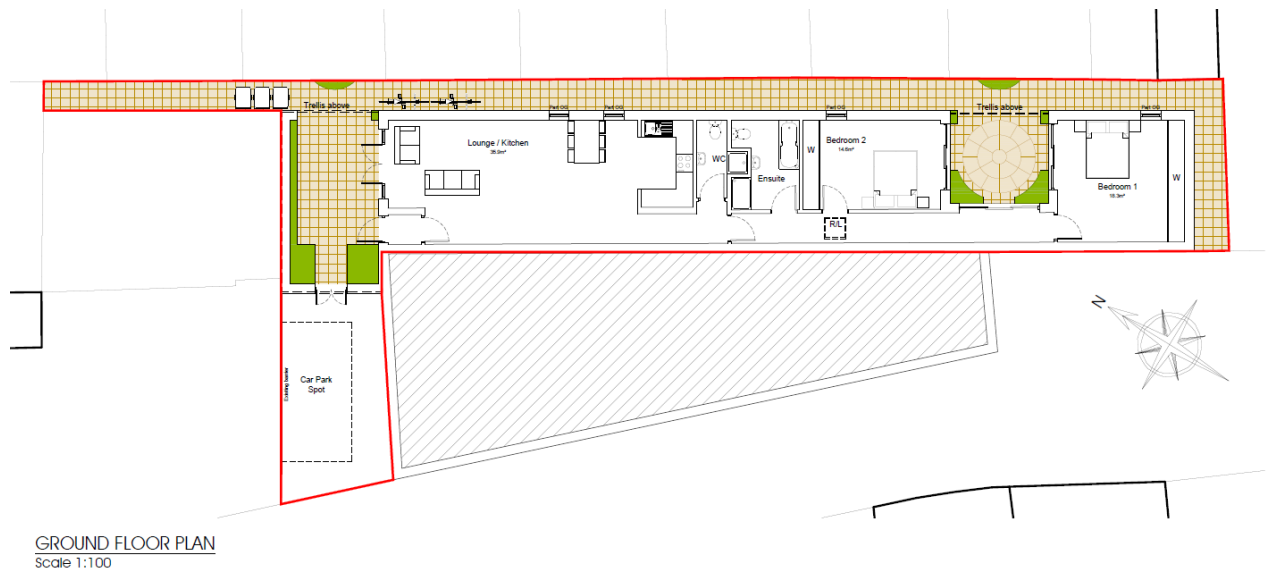
existing and planned supporting infrastructure capacity. Policies D2 and D4 are also relevant to any assessment of development proposals, including whether the necessary infrastructure is in place to accommodate development at the density proposed.

7.1.14 In the assessment of applications and appeals within the planning history of the site, the principle of the conversion of the building from commercial storage to residential has not been considered unacceptable, subject to consideration of the main issues arising from the assessment of the appeals/applications: the impact of the proposal on the amenities of neighbouring residential properties in tandem with the assessment of the quality of the residential accommodation provided.

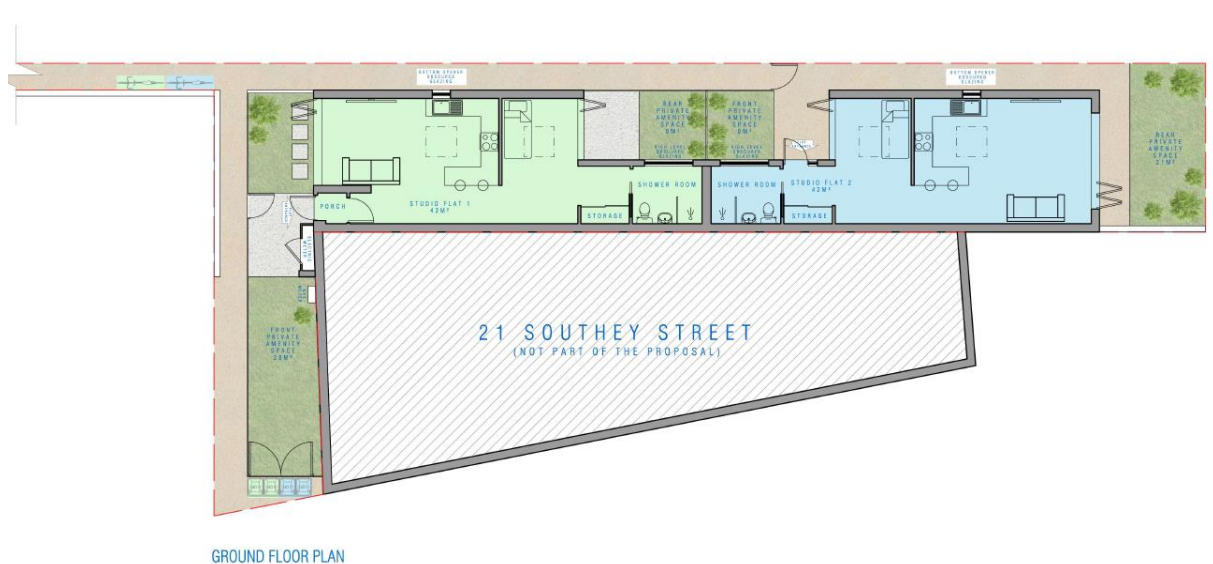
## **7.2 Resubmission**

7.2.1 The Planning History of the site is lengthy. The most recent application for planning permission under reference 19/04132/FULL1 related to the provision of a two bedroom single storey dwelling following partial demolitions. The main differences between this current proposal and that previous application is summarised:

- Proposal relates to the provision of 2 studio dwellings rather than the two bedroom dwelling previously proposed
- Alterations to the extent of rear fenestration proposed – current proposal does not include the rear facing patio doors previously proposed and windows proposed are either high level or top-opening
- Reduction in footprint of building – demolition to the south eastern and north western ends of the building, including removal of covered entranceway, and increased width to the recessed demolition to the rear of the building
- Entrance to second unit provided through the alleyway at the rear – previous application was for single dwelling with access from the side of the commercial building at No. 21
- Additional rooflights proposed in rear roof slope – 4 no. in total
- Window opening/patio doors provided to new south eastern flank elevation
- Car free development – increased landscaping to sides and front of building



**Figure 9 – Refused and dismissed on appeal (ref. 19/04132/FULL1)**



**Figure 10 – Proposed ground floor plan**

**7.3 Design and Impact on visual amenity                      ACCEPTABLE**

7.3.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.3.2 Paragraph 126 of the NPPF (2021) states that beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.



- 7.3.3 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.4 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 7.3.5 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.
- 7.3.6 The application site lies within an area of mixed character, with the building in particular "bridging" the space between the rear of High Street commercial development and activities, and the rear gardens of the dwellings fronting Raleigh Road. Residential development has been implemented at the neighbouring block of flats which originally formed part of the application site (dating from the applications in 2009 and earlier). The proposal would re-purpose an existing building, reducing its bulk, rather than introducing new built development in the site. The materials used in the development would be acceptable, comprising a mix of brick and timber cladding, consistent with the host building and surroundings, and the current proposals include landscape enhancements that would soften the front corner of the retained commercial premises at No. 21 and the flank elevation of the retained converted building the subject of this application.
- 7.3.7 Taking into account the above, it is not considered that the proposal would result in development uncharacteristic in terms of its use and appearance with the mixed character of the site's surroundings. The conversion of the storage building would be consistent with the pattern and grain of development in this urban location, representing a mews-style development which would effectively bridge in its scale and appearance the transition from the commercial activities of the High Street and the rear land associated with these to the residential character of Raleigh Road.

7.3.8 In view of the formation of amenity spaces to the sides of the building, it is considered appropriate should permission be granted to secure further detail of the intended landscaping (hard and soft) associated with the development, in the interest of the appearance of the building, site and street scene.

#### **7.4 Standard of residential accommodation      ACCEPTABLE**

7.4.1 The London Plan Guidance - Housing Design Standards (June 2023) and London Plan prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

7.4.2 Policy D6 of the London Plan relates to 'Housing quality and standards' states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

7.4.3 Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

7.4.4 Policy 10 of the Bromley Local Plan relates to the conversion of non-residential buildings to residential and states inter alia that that good quality living accommodation will need to be provided.

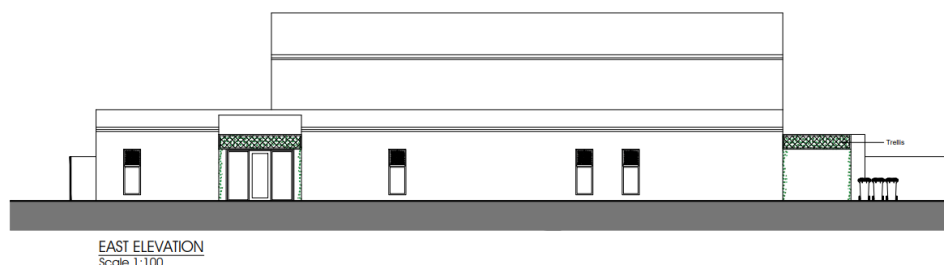
7.4.5 The proposed residential units would each slightly exceed the minimum Gross Internal Area for studio flats. The internal layout of the units relative to the formed amenity spaces and window/door openings would result in there being adequate levels of light and outlook for the key habitable areas within the building. For example, the bedroom areas would face towards private amenity space with an intervening boundary treatment in context with the single storey building beyond – providing some outlook and sky view for the bedroom areas, alongside light from these areas in addition to that provided by the proposed roof lights. The reception/living spaces would each incorporate full width patio doors as well as obscure glazed windows associated with the kitchen/food preparation areas in addition to the rooflights above the food preparation areas.

- 7.4.6 In terms of the internal living environment, the units would be separated from each other by the internal partition wall and the shower rooms serving each unit – which would limit the extent to which the residential activities associated with one residential unit would impact on the amenity of the other. Satisfactory amenity space would be provided to serve the units.
- 7.4.7 It is noted that concerns have been expressed regarding the extent to which the private amenity space and bedroom area windows would be capable of being overlooked from the rear of dwellings fronting Raleigh Road. Taking into account the layout of the windows, with the internal space and patio doors orientated to effectively look inwards, along with the urban setting of the site, it is not considered that the proposal would give rise to unacceptable and uncharacteristically overlooked accommodation lacking in privacy. The discreet and enclosed setting of the site and the layout of the units within has the effect of increasing the perception of privacy and seclusion associated with the units and it is not considered that these would feel unduly overlooked or lacking in privacy.
- 7.4.8 The units would be supplied with dedicated refuse and cycle storage areas, and should planning permission be forthcoming it would be appropriate to impose a condition requiring the submission of further details on these facilities in order to ensure satisfactory capacity and appearance.
- 7.4.9 It is noted that the access to Studio 2 which lies in the southern side of the building would be via the narrow alleyway to the rear of the building which at present is visually dominated by the building itself along with the existing boundary treatments at the end of the rear gardens of the dwellings fronting Raleigh Road. The access would pass adjacent to the rear of Studio 1 and the amenity space associated with that property.
- 7.4.10 While the limited proportions of the access are noted, along with the relationship with the other planned unit within the building, the demolition involved to the rear of the building will lead to a less oppressive visual perspective on approach than is currently the case with the alleyway, and taking into account the level of occupancy of the proposed units, which are single occupancy dwellings, it is not considered that the use of the alley to access Studio 2 would result in a significant impact on the amenity of Studio 1, nor that the limited width of the alley would lead to unacceptable residential quality in respect of Studio 2.
- 7.4.11 It is noted that the applicant has stated within the Design and Access statement that “the proposal is set out over one level, ground floor, and therefore is accessible for all.” An accessibility statement was received on 7<sup>th</sup> June 2023 to confirm that the units would be M4(2) compliant.
- 7.4.12 Further detail has also been provided during the course of the application regarding fire safety, most recently on 30<sup>th</sup> August 2023 with the submission of a Fire Safety Statement (02), a fire access plan, and a fire safety drawing. Members are advised that the residential conversion of the building would be subject to separate assessment under the building regulations, which would include the technical details relating to fire suppression, fire escape and general fire safety.

## 7.5 Impact on neighbouring amenity

**ACCEPTABLE**

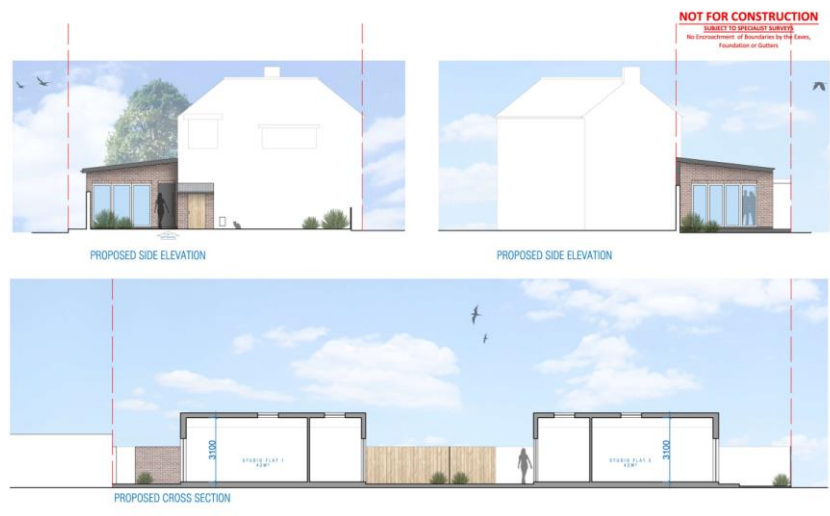
- 7.5.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.5.2 It is noted that concern has been expressed regarding the impact of the occupation of the property, including access to Studio 2, on the amenities of neighbouring residents, with specific reference to loss of privacy, overlooking and noise and disturbance associated with the use of the property.
- 7.5.3 The planning history of the site includes concern, supported by the appeal Inspector, with regards to the impact of the residential conversion of the various planning schemes on the amenities of neighbouring properties. In the most recent planning appeal, the Inspector found that the courtyard proposed to be provided in context with the front entrance of the property was not clearly detailed in the application, and there was doubt regarding the extent to which mitigation would be capable of preventing overlooking and loss of privacy associated with the courtyard area in question. It was further considered that the courtyard between the bedrooms in the two bedroom scheme dismissed at appeal could similarly result in loss of privacy/overlooking to the rear of Raleigh Road.



**Figure 11 – East elevation of scheme dismissed on appeal 19/04132/FULL1**

- 7.5.4 It was acknowledged however that it would be possible to safeguard the living conditions of neighbours from overlooking and loss of privacy associated with the proposed new windows along the eastern elevation of the appeal building. It was also considered that the ability of neighbours to see lights from the proposed properties would not have a significant impact on neighbouring amenity. In view of the small scale of the proposed residential unit (2 bedroom dwelling) it was also not considered that there would be justification for withholding planning permission on the grounds of noise and disturbance to the neighbours in Raleigh Road, particularly in the light of the commercial use of the site.
- 7.5.5 The sectional drawings submitted with the application show the section through the building in each direction and include detail on the existing boundary (dashed line) with the rear gardens of the dwellings fronting Raleigh Road. The rear elevation

includes detail on the fenestration proposed within the rear elevation, facing onto the alley between the building and the boundary, as well as facing into the formed courtyard amenity space.



**Figure 12 – Proposed sections through building**

- 7.5.6 With regards to the courtyard currently proposed within the middle of the rear elevation, considered in the context of the amended fenestration to the courtyard and the amended siting/depth of this, it is not considered that the current proposal would have a significant impact on neighbouring amenity with regards to loss of privacy and overlooking.
- 7.5.7 There are no longer patio doors proposed within the courtyard that would face directly towards the dwellings fronting Raleigh Road. While there would be bedroom patio doors facing along the length of the building, the field of vision from these would be oblique. These windows would face towards the boundary treatment associated with the private amenity spaces proposed rather than towards the boundary. The main aspect from the windows would be along the length of the building, towards the corresponding proposed studio rather than outside of the site. A front door is proposed to Studio 2 which would face towards the boundary, but this is indicated to be largely of solid construction and would be positioned approx. 3.2m from the boundary. It would be prudent to impose a condition requiring detail of the front door to Studio 2, including the vertical glazed panel, as well as with regards to the obscure glazing and method of opening of the east facing windows.



**Figure 13 Proposed rear elevation**

- 7.5.8 With regards to the impact of the proposal resulting from the residential use and associated noise and disturbance, it is not considered in view of the small scale of the units proposed that the proposal would have a significant impact in this regard. While it is acknowledged that the proposal would result in the entrance to the second unit being from the access alley, it is not considered in view of the location/siting of the development and the size of the unit that the proposed works would result in a loss of security, taking into account the siting of the entrance to Studio 2 relative to the front entrance of Studio 1, along with its position adjacent to the amenity and associated space serving that unit. There will be some degree of surveillance associated with the occupation of the units and it is noted that there would be potential comings-and-goings and activity around the building if it was to be in continued commercial storage use.
- 7.5.9 Notwithstanding this assessment, should permission be granted it would be appropriate to seek by way of condition details of internal boundary treatments (associated with the demarcation of the units in relation to each other) as well as of external boundaries to provide greater detail on the treatment of the parts of the site that adjoin neighbouring sites.
- 7.5.10 Comments have also been received referring to disruption and impact during the course of the implementation of the proposals. With regards to these concerns, in general the impact of construction does not represent a strong material planning consideration as it is in its nature time-limited, with the impact not extending beyond the construction phase. Building operations/construction works can interfere with neighbouring amenity, but this impact is usually short-lived and does not represent a ground for the refusal of planning permission.

**7.6 Highways impacts**

**ACCEPTABLE**

- 7.6.1 The application site lies in a town centre location with a Public Transport Accessibility Level of 4. The application is for car-free development. Given the town centre location, the PTAL rating and the small size of the proposed units it is not considered that the proposal would generate significant parking demand such as may give rise to additional congestion or adverse parking conditions in the locality.
- 7.6.2 The delivery of car free residential development is consistent with the provisions of the London Plan Policy T6.a and the maximum residential parking standards set out in table 10.3 alongside this policy. The Council's Highways Officer has raised no objections to the proposals, subject to a condition which would limit the entitlement of future occupiers of the development to residents' parking permits. In the light of this, while it is acknowledged that concern has been expressed within a representation regarding the impact of the proposal on parking conditions in the locality, it is considered that the proposal would not result in conditions harmful to pedestrian or vehicular safety or undue congestion and demand for on-street car parking.

## **8. CONCLUSION**

- 8.1 Having regard to the above, the proposals are not considered to result in an overdevelopment of the site, nor to have a detrimental impact on the character and appearance of the surrounding area. The development would not have a significant impact on light, outlook or privacy to neighbouring residential properties.
- 8.2 It is acknowledged that concern has been raised regarding the impact of the proposal with regards to parking demand. However, no technical objections are raised by the Council's Highways Officer in this respect.
- 8.3 The proposals would provide 2 residential dwellings of a reasonable quality and with formed space for external landscaping improvements and would adequately address the reasons for refusal in previous planning applications.
- 8.4 The proposal would make a minor contribution to housing supply. It is not considered that impacts would arise associated with the application proposal that would outweigh the benefit associated with this minor contribution to housing supply.

## **RECOMMENDATION:**

**Subject to the following conditions:**

- 1. Time limit**
- 2. Approved plans**
- 3. Landscaping (hard and soft) details to be provided**
- 4. Arrangements to be made to restrict occupier eligibility for residents' parking permits**
- 5. Boundary details to be provided**
- 6. Cycle storage details to be provided**
- 7. Refuse storage details to be provided**
- 8. Details of accessibility to be provided**
- 9. Details of windows and doors in eastern elevation to be provided**
- 10. Materials as set out in application**
- 11. Low NOx boilers**
- 12. Compliance with Fire Statement**

**and delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.**

**Informatives**

- 1. CIL liability**
- 2. Street naming and numbering**
- 3. Environmental Health – contamination and Control of Pollution and Noise from Demolition and Construction Sites Code of Practice**
- 4. Building Control – contact to discuss fire safety provisions**