
Appeal Decisions

Site visit made on 18 October 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 09 November 2016

Appeal A Ref: APP/G5180/W/16/3154579 7 & 9 Beckenham Lane, Bromley BR2 0DA

- 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 M Hartley against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00722/FULL1, dated 12 February 2016, was refused by notice dated 16 May 2016.
 - The development proposed is demolition of the existing building and construction of a replacement two storey building with additional accommodation within the roof space comprising 8 residential flats (4 x 2 bedroom and 4 x 1 bedroom), bin store, cycle store, 10 car parking spaces, alterations to existing vehicular/pedestrian access onto Beckenham Lane, front boundary and associated landscaping.
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Appeal B Ref: APP/G5180/W/16/3152872 7 & 9 Beckenham Lane, Bromley BR2 0DA

- 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 M Hartley against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/03982/FULL1, dated 14 September 2015, was refused by notice dated 23 December 2015.
 - The development proposed is demolition of the existing building and construction of a replacement two storey building with additional accommodation within the roof space comprising 9 residential flats (7 x 2 bedroom and 2 x 3 bedroom), bin store, cycle store, 13 car parking spaces, alterations to existing vehicular/pedestrian access onto Beckenham Lane, front boundary and associated landscaping.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for demolition of the existing building and construction of a replacement two storey building with additional accommodation within the roof space comprising 8 residential flats (4 x 2 bedroom and 4 x 1 bedroom), bin store, cycle store, 10 car parking spaces, alterations to existing vehicular/pedestrian access onto Beckenham Lane, front boundary and associated landscaping at 7 & 9 Beckenham Lane, Bromley BR2 0DA in accordance with the terms of the application, Ref DC/16/00722/FULL1, dated 12 February 2016, subject to the conditions set out in the attached schedule.
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Appeal B

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are two appeals relating to the same site. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together in this document.
4. In both applications the appellant has indicated that the description of the proposed development was amended from that given on the application form. I have used the amended descriptions in my decisions.

Main Issues

5. The main issues in both appeals are:
 - i) The effect of the proposals on the character and appearance of the area including their effect on heritage assets; and
 - ii) The effect of the proposals on the living conditions of adjacent occupants in terms of their outlook.

Reasons

Character and Appearance

6. Beckenham Lane extends downhill from Bromley town centre towards Shortlands and has a verdant character with buildings set back from the road behind trees. The site is within the Ravensbourne Valley Character Area which forms part of the Bromley Town Centre Conservation Area. The area includes open land which is close to the town centre and is important in defining the local character.
7. The appeal site is on the outside of a bend in the road and comprises a pair of 1930s semi-detached houses and their gardens. These are set forward in relation to the historic buildings on either side. Pixfield Court is grade II listed, is at a lower level than the site and angled to face towards it. This is a large red brick building which dates from the 18th century and is in use as flats. I understand that the semi-detached houses were built on part of the historic frontage of that building.
8. On the other side of the site is Glebe Knoll which is a large mid-19th century building that is also in use as flats and is locally listed. That building is at an elevated level in relation to the site and is set away from the semi-detached houses. To the rear of that building there is a recent building which also contains flats.
9. In a previous appeal¹ for a larger scheme than those now proposed the Inspector noted that the forward siting of the semi-detached houses has the effect of drawing attention away from the adjacent heritage assets. In that case this effect would have been heightened by the large scale of that proposal.

¹ APP/G5180/A/05/1186348

10. The proposals before me are both smaller than the previous appeal scheme. The appeal A proposal would be of similar scale and form to the existing houses. It would have a hipped roof of similar height and although its frontage would be about 3m wider at first floor level it would be narrower than the existing houses at ground floor level. The full width of the building would be stepped to the sides thereby reducing its massing. The various elements would be vertically divided and with a vertical emphasis which would limit the apparent scale of the building. The rear of the building would extend further than the existing building at its centre but the extent of this projection would be limited and this element would not be unduly bulky or dominant in comparison to the existing building. The proximity of the site to Pixfield Court and its elevated level increase the sensitivity of the setting of that building. However for the reasons given I find that the appeal A proposal would not adversely affect the setting of the listed building.
11. The appeal B proposal would be significantly wider and deeper than the existing houses. It would have a crown roof which would add to the apparent scale of the building. Its overall scale and massing would have a dominant effect in relation to the listed building. Given the sensitivity of the setting of the listed building the appeal B proposal would be harmful to that setting for the reasons given.
12. Both proposals would be at a much lower level than Glebe Knoll such that only the roof would be likely to be visible from that property. The recent building to the rear forms part of the setting and in this context neither proposal would harm the setting of the locally listed building.
13. Both proposals would leave spaces between the side walls of the buildings and the boundaries of the site of between 1.9m and 4.2m. This would accord with the minimum 1m requirement of policy H9 of the Unitary Development Plan (UDP)². The general sense of spaciousness to the front and rear would be maintained in both schemes. However the scale of the appeal B proposal would have a dominant effect in terms of the Conservation Area given its forward siting in relation to the adjacent buildings.
14. For the reasons given the appeal A proposal would complement the scale, form and layout of the adjacent buildings but the appeal B proposal be unacceptably dominant in these respects. The appeal A proposal would accord with policies BE1, BE11 and H7 of the UDP which have those requirements. It would also accord with policy BE8 which requires that there is no harm to the settings of listed buildings. However for the reasons given the appeal B proposal would not accord with those policies.
15. The Council has referred to policy BE10 of the UDP which concerns alterations, extensions or changes of use of locally listed buildings or their replacement and so is not relevant to either appeal. For the above reasons the appeal A proposal would preserve the character and appearance of the Conservation Area but the appeal B proposal would neither preserve nor enhance the character or appearance of the area.
16. The harms to the Conservation Area and the setting of the listed building in appeal B would be less than substantial because the proposed development would replace an existing building. In accordance with the National Planning

² London Borough of Bromley Unitary Development Plan (2006)

Policy Framework (the Framework) that less than substantial harm must be weighed against the public benefits of the proposal.

17. The development would be of benefit in terms of the provision of new units of housing in an accessible location close to the town centre. However there is no evidence before me of any shortfall in housing supply and for this reason I can give only limited weight to that benefit. In accordance with the Framework³ I give great weight to the harms that I have identified to the setting of the listed building and to the Conservation Area. That weight is not outweighed by the limited weight that I give to the public benefit.
18. For the reasons given I conclude that the appeal A proposal would not harm the character and appearance of the area but that the appeal B proposal would do so.

Living Conditions

19. The Council's reasons for refusal concern only the effect of the proposals on the outlook of occupants of Pixfield Court although interested parties have raised a number of other issues. I shall take those issues into account.
20. The front windows of Pixfield Court face the side of the site at an angle but there are trees along the boundary which provide some visual separation. Although the effectiveness of the trees in this regard will be limited when they are not in leaf they would still reduce the visual impact of both proposals on the adjacent occupants.
21. The windows face the rear corner of the existing houses and would similarly face the rear corners of both proposed buildings. Although the appeal B proposal would be markedly bigger than the existing building, the main depth of that proposal would be sited away from the common boundary. For this reason and given that the form and massing of the appeal A proposal would not differ significantly from those of the existing building I find that the outlook from the adjacent flats at Pixfield Court would not be adversely affected.
22. The side elevations of both proposals would contain some windows but those windows would be some distance away from the windows in Pixfield Court and at an oblique angle to them. The rear facing windows in both proposals would also be positioned at an angle to Pixfield Court. For these reasons there would be no unacceptable overlooking or loss of privacy to the adjacent occupants. The relative positions of the buildings and their orientation would ensure that there would be no loss of sunlight or daylight to the adjacent occupants.
23. Neither proposal would harm the living conditions of the occupants of Glebe Knoll because of their lower level in relation to that building. For the reasons given the proposals in both appeals would not harm the living conditions of adjacent occupants and would accord with policy BE1 of the UDP which seeks to protect their amenities.

Other Matters

24. Interested parties have expressed concern about highway safety. A road safety audit was prepared by the appellant and the Highway Authority was satisfied that this demonstrated that there would be no adverse impact on

³ Paragraph 132

highway safety. This did not form a reason for refusal in either case and I see no reason to disagree with the Council on this point.

Conditions

25. In imposing conditions I have had regard to the tests in paragraph 206 of the Framework and have made some alterations to the wording of the suggested conditions to better accord with those tests.
26. A condition specifying the approved plans is necessary to provide certainty. Conditions requiring the approval of external materials, windows, landscaping and means of enclosure are necessary to ensure the appearance of the development is acceptable. It is necessary to ensure that development takes place in accordance with the arboricultural survey to ensure the protection of the trees on the site.
27. A condition requiring submission of a scheme of surface water drainage is necessary to ensure that there is no localised flooding and that surface water drains sustainably. It is necessary to manage the construction process to ensure that there is no adverse effect on either highway safety or the living conditions of adjacent occupants and a Construction Management Plan would secure suitable measures.
28. A number of conditions are necessary in order to ensure that the scheme does not adversely affect highway and pedestrian safety and encourages sustainable means of transport. These include the provision of the car and bicycle parking spaces, electric car charging points, closure of one of the existing accesses as proposed and lighting of the access drive. The Council requested that some of the charging points should be passive but no evidence has been provided to demonstrate a need for such provision. Other conditions in respect of bin storage facilities and amenity space are necessary to ensure the development meets the required standards and provides good living conditions for its occupants.
29. The slab level of the building has been specified on the plans and there is no need to impose a condition in this respect. The Council requested a condition requiring an acoustic assessment but the local environment was not noisy at the time of my visit and no evidence has been provided to demonstrate a need for such a condition. Similarly there is no evidence before me to demonstrate a need to control the routeing of construction traffic.
30. The plans demonstrate that the required visibility is available from the access and that this would be wide enough to provide for pedestrian visibility. For these reasons I see no need for a condition requiring 3 metre splays as requested.
31. The Council also requested conditions removing permitted development rights and restricting any external plumbing other than rainwater pipes. The Town and Country Planning (General Permitted Development) Order 2015 does not grant permitted development rights in respect of flats and planning permission would be required for any external plumbing or other structure which materially affects the appearance of the building.

Conclusions

32. I have taken into account all other matters raised but find nothing to alter my conclusions. For the reasons given I conclude that appeal A should be allowed and appeal B should be dismissed.

Nick Palmer

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: 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.
- 3) No development shall take place until details of all external materials, including roof cladding, wall facing materials, window glass, door and window frames, any decorative features and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the windows (including rooflights and dormers) including their method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimensions of any recess) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved hard landscape works shall be completed before the building is occupied. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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.
- 6) No development shall take place until details of boundary enclosures have been submitted to and approved in writing by the local planning authority. The approved means of enclosure shall be provided before the building is occupied and shall thereafter be retained.
- 7) No development shall take place until details of surface water drainage, which shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development have been submitted to and approved in writing by the local planning authority. Provision shall be made to prevent the discharge of surface water onto the highway. The development shall be carried out in accordance with the approved details.
- 8) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;

v) delivery, demolition and construction working hours.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 9) The car parking and turning areas shall be provided in accordance with the approved plans before the building is occupied and shall thereafter be retained for those purposes.
- 10) No development shall take place until details of covered bicycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided before the building is occupied and shall thereafter be retained.
- 11) The access drive and car parking areas shall be lit in accordance with a scheme which shall be submitted to and approved in writing by the local planning authority before the development is commenced. The scheme shall be in accordance with BS 5489 – 1:2013 'Code of practice for the design of road lighting Part 1'. Lighting shall be provided in accordance with the approved details before the building is occupied.
- 12) The existing means of access which is to be closed shall be permanently closed in accordance with the details approved under condition 6 before the building is occupied.
- 13) The bin store shall be provided in accordance with the approved plans before the development is occupied.
- 14) The development shall be carried out in accordance with the Arboricultural Survey and Planning Integration Report Ref AR/3210b/jq under the supervision of an Arboricultural specialist.
- 15) The amenity/landscaped gardens shall be provided in accordance with the approved plans and thereafter retained for use by the occupants of the residential units hereby permitted.
- 16) Electric car charging points shall be provided to at least 2 car parking spaces in accordance with details which shall be submitted to and approved in writing by the local planning authority before development is commenced. The approved charging points shall be provided before the building is occupied.