

Appeal Decision

Site visit made on 4 January 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 17 February 2017

Appeal Ref: APP/G5180/W/16/3158746

Royce House, 56A Copers Cope Road, Beckenham BR3 1RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Matthew Oliver, South East Living Group against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03035/OUT, dated 24 June 2016, was refused by notice dated 14 September 2016.
 - The development proposed is the demolition of two existing separate detached dwellings known as 56a & 56b Copers Cope Road, and the erection of 4 No. three bedroom semi-detached houses, all with off-road parking and associated landscaping.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of two existing separate detached dwellings known as 56a & 56b Copers Cope Road, and the erection of 4 No. three bedroom semi-detached houses, all with off-road parking and associated landscaping at Royce House, 56A Copers Cope Road, Beckenham BR3 1RJ in accordance with the terms of the application, Ref DC/16/03035/OUT, dated 24 June 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Matthew Oliver, South East Living Group against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Preliminary Matter

3. The application was submitted in outline including consideration of access and layout, leaving matters of appearance, landscaping and scale reserved. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being indicative.

Main Issue

4. The main issue in this appeal is the effect the proposed development would have on the character and appearance of the area, including that of the adjacent Copers Cope Conservation Area, a designated heritage asset.

Reasons

5. The appeal site is occupied by two detached houses, one set slightly forward of the other. In common with other properties in the vicinity they are set back
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from the road. The area is characterised by a mix of generally substantial dwellings in detached, semi-detached and short terraced configurations. On the one side of the site is the substantial Mayfield Lodge, 28 Brackley Road (No 28) set away from the existing buildings by a generous rear garden. Closer to the existing buildings on the other side is the equally substantial 56 Copers Cope Road (No 56), beyond which are two short terraces of three storey town houses.

6. The existing buildings would be replaced by large semi-detached houses which the indicative plans show with accommodation on three floors. They would occupy larger footprints than the existing houses and would have a less marked stepped relationship to one another. The pair nearest No 56 would be set forward of that building's front elevation.
7. The arrangement would bring the proposed buildings slightly nearer to the street than the existing houses. However a reasonable area of space would remain between the front elevations of the houses and the street. Although a considerable part of this frontage area would be occupied by hardstanding for access and parking it would be enclosed by tree and shrub planting behind a brick wall and railings. This space would be of a size which would enable an attractive setting to the new houses with hard and soft landscaping to be provided and I note that many of the surrounding properties have significant areas of their frontages given over to hardstanding of various finishes. The proposal would not appear in harmful contrast to this established context.
8. Although the rear gardens would be modest, sufficient space would remain to avoid a harmful erosion of the spacious character of the area which exists to the rear of properties.
9. The spacing between buildings along Copers Cope Road in the vicinity of the site varies and some pairs of semi-detached houses are closely related to one another. The gap between the two pairs of proposed houses would be narrower than that which currently exists between the two dwellings, particularly above ground floor. However, this gap would not be so limited that glimpses of vegetation in gardens beyond would not still be afforded. This and the remaining gap between the new dwellings and No 56 would avoid the proposed houses appearing cramped within the site or as part of the wider streetscape.
10. The Council's objections include that of the scale, massing and design of the proposed houses. Although these are matters reserved for future consideration I have nevertheless taken the indicative illustrations provided on the plans at face value and they give a reasonable impression of the likely scale and appearance of the development and therefore its effect on its surroundings in these respects. The indicative elevations show that the scheme would be likely to represent a larger and a more intensive use of the site than the existing arrangement. However, this would not be to the extent that the resulting mass, scale, space around the buildings and overall configuration would be likely to appear cramped or over developed. The resulting development would not appear unduly conspicuous in the streetscape.
11. I have not been presented with any compelling reasons to suggest that the likely design, which has a vertical emphasis and reflects some the elements and details of Victorian houses in the vicinity, would be at odds with its surroundings. Furthermore the likely inclusion of the second floor

accommodation within the roof slope would assist with ensuring that the overall form and height of the houses would respect its context within the streetscape.

12. The appeal site lies immediately outside the Copers Cope Conservation Area. This is a tightly drawn area encompassing 16 large mid to late C19 detached and semi-detached properties set back from the street in spacious and verdant grounds. The Conservation Area derives much of its character and appearance, and hence significance, from the well preserved architecture and attractive streetscape which results. The Conservation Area's setting is largely made up of tree lined streets of substantial properties and their spacious surroundings. The existing arrangement on the appeal site contributes to this setting and helps to preserve that part of the Conservation Area's significance it gains from this setting.
13. However, for the above reasons, although the buildings on the site would be larger than the existing ones the result of the proposal would not harmfully change the relationship of that part of the Conservation Area's setting formed by the appeal site, including that of the adjacent property, No 28. Consequently, having paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and attaching considerable weight to that desirability, I consider that the significance of the heritage asset would be preserved as a result of the development.
14. I have taken the appeal decision¹ for a previous scheme for a terrace of five townhouses on the site into consideration. However the proposal would have a materially different, and less harmful, effect than that previous scheme in respect of how the buildings would occupy the site, the space which would surround and separate them and how they would relate to surrounding buildings and spaces, including those in the Conservation Area.
15. The proposal would therefore not harm the character and appearance of the area nor harm the significance of the Conservation Area. As such the proposal would accord with UDP² Policies H7, BE1 and BE13. Amongst other criteria, these require that the layout, buildings and space about them are designed to a high quality, are attractively landscaped and complement the surrounding area, as well as preserving or enhancing conservation areas' settings.

Other Matters

16. Interested parties have raised a number of other concerns about the proposed development. However, I have been presented with no substantive evidence to lead me to disagree with the Council's conclusion that the principle of development in the location would be acceptable, that the proposal would not have an adverse impact on the local road network or local parking conditions, that the density and accessibility implications of the proposal would be acceptable and that potential overlooking of No 28 could be avoided by way of an obscure glazing condition on any subsequent reserved matters permission.
17. Although concerns have been raised about local sewer capacity there is no compelling evidence to suggest that such circumstances should prevent the development taking place in light of no objections being raised in this respect by the Council's drainage advisor or the statutory undertaker. These other

¹ APP/G5180/W/15/3138684.

² London Borough of Bromley Unitary Development Plan, 2006 (UDP).

matters do not, therefore, raise issues which would lead me to an alternative conclusion.

Conditions

18. It is necessary to specify the approved plans as this provides certainty. In order to preserve the character and appearance of the area and protect existing and future occupiers' living conditions it is necessary for levels, boundary treatments and refuse storage to be approved and implemented. To reduce the likelihood of flooding a drainage scheme needs to be approved.
19. Approval of a construction management plan will ensure that highway safety and neighbours' living conditions are not unacceptably affected by demolition and construction work. It is necessary to require that adequate parking and access arrangements are provided, including retaining adequate visibility which could be affected by gates. Requiring that bicycle parking is provided will ensure that occupiers have access to a choice of transport modes.
20. The site's location in an Air Quality Management Area declared for nitrogen oxides means it is necessary to limit such outputs from any gas boilers which may be installed. In order to ensure that the houses offer inclusive accommodation it is necessary that they are designed to be accessible and adaptable.
21. As matters of appearance and landscaping would be reserved it is not necessary to require approval of materials at this stage. Bearing in mind the Planning Practice Guidance's approach that such conditions should only be used in exceptional circumstances, I have been presented with no evidence that it would be necessary to remove permitted development rights for extensions or alterations to the proposed houses.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, the proposal would not harm the character and appearance of the area or the significance of the Conservation Area. It would accord with the development plan and the Framework and the appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans (insomuch as they relate to matters of access and layout): Location Plan, 915:1046/PL101, 915:1046/PL102, 915:1046/PL103, 915:1046/PL104, 915:1046/PL106, 915:1046/PL107 and 915:1046/PL108.
- 5) 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 include, but not be limited to: measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site, and; the hours of operation. The approved Construction Management Plan shall be adhered to throughout the demolition and construction period for the development.
- 6) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) Before any dwelling hereby permitted is first occupied boundary enclosures of a height, type and position which have been submitted to and approved in writing by the local planning authority beforehand shall be erected in such positions along the boundaries of, and within, the site. The boundary enclosures shall be permanently retained thereafter.
- 8) No dwelling hereby permitted shall be first occupied until surface water drainage works shall have been implemented in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version) and include an assessment of the hydrological and hydro geological context of the development. The scheme shall aim to achieve a reduction in surface water run-off rates to greenfield rates in line with the drainage hierarchy in the London Plan.
- 9) Before any dwelling hereby permitted is first occupied details of arrangements for storage of refuse and recyclable materials (including

means of enclosure for the area concerned) shall be implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority and shall be permanently retained thereafter.

- 10) Details of the layout of the access and turning area including its junction with Coper's Cope Road (to be provided with 3.3m x 2.4m x 3.3m visibility splays with no obstruction to visibility in excess of 1m in height within these splays, except for trees) shall be submitted to and approved in writing by the local planning authority. The access arrangements shall be completed before any part of the development hereby permitted is first occupied and, along with the visibility splays, permanently maintained thereafter.
- 11) Before any dwelling hereby permitted is first occupied parking spaces and sufficient turning space shall be implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. Thereafter the spaces shall be kept available at all times for the turning and parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 12) Before any dwelling hereby permitted is first occupied the existing access shall be stopped up at the back edge of the highway in accordance with details of an enclosure which has been submitted to and approved in writing by the local planning authority. The approved enclosure shall be permanently retained as such.
- 13) Before any dwelling hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details which have first been submitted to and approved in writing by the local planning authority. The bicycle parking (and storage facilities) shall be kept available at all times for the parking and/or storage of bicycles and shall be permanently retained thereafter.
- 14) The dwellings hereby permitted shall not be first occupied until the Building Regulations Optional Requirement M4(2) 'accessible and adaptable dwellings' has been complied with.
- 15) No gates shall be installed at the vehicle entrance/exit to the site unless details have been submitted to and approved in writing beforehand by the local planning authority.
- 16) Any gas boilers installed in the dwellings hereby permitted must meet a dry NO_x emission rate of <40mg/kWh.