

Appeal Decision

Site visit made on 16 February 2017

by G Powys Jones MSc FRTPI

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

Decision date: 23rd February 2017

Appeal Ref: APP/G5180/D/16/3162483

32 Wickham Way, Beckenham, Kent, BR3 3AF

- 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 Daniel Byford against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02932/FULL6, dated 14 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a two-storey side extension, new access with crossover and elevational alterations including conversion of existing integral garage into habitable accommodation.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I consider the Council's description of the proposal contained in its decision notice to be more accurate than that contained in the application form, particularly with regard to its reference to the proposed new access and crossover. I have therefore adopted the Council's description in my decision.
3. The property is located within the Langley Park Conservation Area (CA).
4. Reference is made to several appeal decisions affecting this and/or adjoining land. (*Ref APP/G5180/A/13/2196575 & A/14/2225725*). These are material to my considerations since they form part of the recent planning history of the site and adjoining land. The most recent appeal related to a proposal to extend the property (*APP/G5180/D/15/3135184*). This appeal was dismissed in February 2016.
5. Also material is a planning permission granted by the Council on 6 June 2016 in respect of land immediately to the north of the appeal site. This permission, (*Ref DC/16/01530/FULL1*), authorised the construction of a replacement dwelling at 28 Wickham Way. The permission has been implemented and the permitted dwelling has reached an advanced stage of construction in the sense that its shell is substantially complete and most of the roof structure was in place when I visited.

Main issue

6. The main issue is whether the proposed development would serve to preserve or enhance the character or appearance of the CA.
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Reasons

7. The current proposal is said to represent the appellant's attempts to address the deficiencies of the previous proposal, as identified by the Inspector in the February 2016 appeal determination. However, the Inspector commented as follows on the issue of trees:

'... I have concerns regarding the effect of the proposal on the trees on and around the site and also on the pavement and adjacent landscaping to the front of the site. The application notes that only three trees would be removed, but there has been no tree survey submitted. There would be a substantial area of hardstanding created, and there would also appear to be some possibility of harm to the Yew Tree closest to the proposed extension during the construction process. Also, the proposed vehicular crossover is beneath the crown of a roadside tree and there must be some concern regarding the effect of the construction of the crossover on the root system of the tree. It may be possible to deal with these issues by way of suitable conditions, but in the absence of more detailed information, this would be difficult to determine.

Finally, the proposed crossover would result in two such openings associated with a single property across the adjacent pavement and landscaped strip, and this would be detrimental to the street scene and the general visual appearance of the area. This may not, in itself, be reason to dismiss the appeal, but it conflicts with guidance in the SPG and it adds to my other concerns regarding the proposal, as outlined above.'

8. The Council's second reason for refusal reflects theirs and the Inspector's concerns. Despite these clear concerns, the information provided on trees in the application is sparse. No comprehensive tree survey has been submitted, and no professionally prepared assessment on the effect on trees or adequate plan of mitigation or protection is evident. Nevertheless, It is acknowledged that some trees, which the Council considers worthy of protection would be lost.
9. Moreover, the proposed new access and crossover, despite the previous Inspector's serious misgivings, is repeated in this submission, albeit with minor amendments. Far from addressing the previous Inspector's concerns on this aspect and on the impact on trees, also being one of the Council's principal objections, the appellant has effectively overlooked or ignored them; at best matter has been dealt with in a cursory manner.
10. The importance of this group of trees was underlined in the decision on one of the previous appeals mentioned earlier, conducted by myself. I said:
- 'A generous gap between two-storey development exists between the side elevations of Nos. 28 and 32 Wickham Way, albeit the gap is not wholly apparent in the public realm, especially when approaching from the south. The gap is partly camouflaged by trees, which even in the depths of winter effectively prevent clear views through.*
- The trees themselves contribute positively to the local street scene, albeit that the long-term future of most is not threatened by the development proposals, subject to adequate safeguards being in place.'*
11. I am far from convinced, on the basis of the proposals as presented, that the longevity and future health of several more of the trees than is suggested would not be put at risk. I do not agree, as the appellant suggests, that this matter may be adequately covered by conditions. Far more comprehensive information than has been presented was required to make a proper assessment either at the application, or at this stage in the proceedings, as the previous Inspector had clearly indicated.
12. For the reasons provided, the previous Inspector concluded that the width of the proposed extension was excessive since it would unacceptably reduce the

- gap to the north. The appellant's revised proposals reduce the width of the extension, so that its distance from the property's northern side boundary would be in excess of 7m. The southern elevation of the new dwelling under construction to the north is sited over 5m from the same boundary.
13. Thus the gap between the extended property and that under construction to the north would be over 12m. Having regard to the content of the Council's supplementary planning guidance on the issue of gaps in the CA; to previous Inspectors' comments in their decision letters relating to the street scene value of gaps, and to the recent permission granted by the Council at No 28, in particular the level of space deemed acceptable to the north and to the southern side boundary, I consider that the width of the remaining gap proposed by the appellant to be acceptable, in principle.
 14. I emphasize the phrase *in principle* since whilst the architectural composition of the proposed extension is acceptable, appropriately reflecting the design of the host property and being subservient to it, the proposed extension nevertheless contains garages which would be served by the crossover and proposed hardstanding of concern to the previous Inspector, and myself, as explained earlier.
 15. It does not fall to me to advise or guide the appellant on an acceptable solution, but the importance of the trees fronting the appeal property in its CA context has been underlined in previous decisions. This aspect has not been adequately taken into account and addressed in the current submission.
 16. In the absence of adequate information to carry out an appropriate assessment as to the effect of the proposal on the trees fronting the site, and the consequent risk of several more attractive trees being unnecessarily being put at risk or destroyed, I conclude that the proposed development would neither preserve nor enhance the character or appearance of the CA.
 17. Accordingly, a clear conflict arises with policies BE11, BE14 & NE7 of the Council's Unitary Development Plan requiring development to respect the character and appearance of the Borough's conservation areas and for development proposals, especially within conservation areas, to demonstrate that trees making a valuable local visual contribution are adequately safeguarded.

Other matters

18. I have taken account of the representations made by local residents both for and against the scheme.
19. Reference has been made to other development plan policies but those to which I have referred are considered the most pertinent in the particular circumstances of this case.
20. All other matters raised in the representations have been considered and taken into account but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR