

Appeal Decision

Site visit made on 21 August 2017

by Clive Tokley MRTPI

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

Decision date: 07 September 2017

Appeal Ref: APP/G5180/D/17/3177930
137 Eden Way, Beckenham, BR3 3DW.

- 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 and Mrs R Thomas against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00617/FULL6 dated 8 February 2017 was refused by notice dated 5 May 2017.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 137 Eden Way, Beckenham, BR3 3DW. The permission is in accordance with the terms of the application, Ref DC/17/00617/FULL6 dated 8 February 2017 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, 17/02/01, 17/02/02, 17/02/03, 17/02/05, 17/02/06, 17/02/07, 17/02/08, 17/02/09, 17/02/10 and 17/02/11A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Monks Way links the residential Eden Way with the retail/commercial frontages of Upper Elmers End Road to the north east. Monks Way is fronted on one side by an MOT and Service centre and on the other by a large pub/restaurant and a surface car park. No 137 Eden Way is a detached house lying in the north west quadrant of the junction of Eden Way and Monks Way. The opposite south east quadrant is occupied by the public car park. Most of the Eden Way houses in the
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vicinity of the appeal property are semi-detached or in short terraces with narrow spaces between the buildings.

4. *Bromley Unitary Development Plan 2006* (the UDP) includes a cascade of design policies. BE1 is an overarching policy for all development and Policy H8 concerns residential extensions. These policies indicate that development should be well designed and compatible with its surroundings and Policy H8 indicates that space or gaps between buildings should be respected or maintained where these contribute to the character of the area. In addition Policy H9 specifically indicates that two-storey extensions should retain a minimum of 1m space from the side boundary for the full height of the wall.
5. The approach to design within Policies BE1 and H8 accords with that of the *National Planning Policy Framework* (the Framework) which indicates that good design is a key aspect of sustainable development. However the Framework indicates at paragraph 59 that “*design policies should avoid unnecessary prescription or detail*”. Whilst Policy H9 is qualified by the inclusion of the term “normally” its stipulation of the distance between an extension and the boundary is inherently prescriptive. The supporting text indicates that, as regards design, the objectives of Policy H9 are to prevent a cramped appearance and unrelated terracing and to protect high spatial standards and visual amenity. I consider that these objectives can be achieved by the assessment of proposals on their own merits against Policies BE1 and H8. I therefore find that Policy H9 introduces an unnecessary element of prescription into the UDP. Taking account of Policy 215 of the Framework I consider that more weight should be given to the UDP policies that are consistent with the framework (BE1 and H8) than to the detailed prescription within Policy H9.
6. The terraces and pairs of houses in Eden Way have similar design characteristics and are separated by narrow spaces. No 137 shares the hipped roof, bay windows and “half timbered” detail of the nearby houses but as a single detached house the building is much narrower than those nearby. The main two-storey part of the appeal dwelling is off-set from the side boundary with Monks Way; however the ground floor extends almost to the back edge of the footway. This extension has a lean-to roof sloping down towards Monks Way with a sloping parapet on the Eden Way elevation.
7. Monks Way has wide footways on each side and clump of trees and shrubs in the corner of the car park opposite the appeal property further contributes to an open character at the junction. In this location there can be no terracing effect and taking account of the overall size of the plot and the existence of the ground floor extension the proposal would not appear cramped.
8. The proposal would not result in a building encroaching onto undeveloped open land at the junction. It would increase the bulk of the dwelling at first floor level and would to a limited extent reduce the openness at the junction; however taking account of the wide pavements and the open land on the opposite side of the junction the character and spatial standards of the area would not be compromised. By eliminating the awkward and uncharacteristic design of the single-storey element the proposed extension would improve the appearance of appeal dwelling and I consider that the visual amenities of the area would at least be preserved.

9. It is evident from the officer report and refusal reason that the Council places considerable weight on the failure to comply with the "1 metre" stipulation in UDP Policy H9. However as I indicate above Policy H9 is unnecessarily prescriptive. Taking account of the specific context of the appeal site the proposal would be well designed and would respect the spatial character of the area. It would not conflict with the UDP Policies BE1 and H8 or those of the Framework as regards design

Conclusion and conditions

10. Taking account of all matters I have concluded that the appeal should succeed.
11. The normal conditions are imposed to control the commencement of development and identify the drawings. In order to ensure a satisfactory appearance a condition requires that the external materials should match the existing.

Clive Tokley

INSPECTOR