The Planning Inspectorate

Appeal Decision

Site visit made on 16 September 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/G5180/Z/19/3232662
96 Bromley Road, Beckenham BR3 5NP

- 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 Clayton Varley against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/19/00777/FULL1, dated 11 February 2019, was refused by notice dated 10 May 2019.
- The development proposed is described as 'retrospective application for a replacement shopfront, like for like materials used'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The shopfront that is the subject of this appeal has already been installed. I am therefore considering this appeal as a retrospective proposal.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Chancery Lane Conservation Area.

Reasons

4. The appeal concerns the ground floor premises within a three-storey mid-terrace building within an established shopping parade fronting onto Bromley Road and falling within the Chancery Lane Conservation Area (CA). There are a variety in shopfronts within the host terrace and opposing row of shops. These include more traditional frontages that maintain features such as stallrisers, including the shopfronts immediately to the east (98, 100, 102 and 104) and the Chancery Public House. These more traditional shop fronts add positively to the character and appearance of the CA, although I do acknowledge that there are also some more contemporary, highly glazed shopfronts evident including the two immediately to the west of the appeal site (92 & 94).

5. The shopfront as installed is largely glazed with a pair of doors positioned centrally, with large glazing panels to either side and above. The shopfront does not benefit from a stallriser or from glazing features that reflect the more traditional shopfronts within the shopping parade. Limited details of the previous shopfront have been provided to me although the Council indicate

that it previously benefitted from a stallriser. This has not been disputed by the appellant.

6. I acknowledge that there are a number of shopfronts with either minimal or no stallriser within this shopping parade and others constructed of similar materials. However, when viewed against the more traditional shopfronts evident within the immediate street scene, these alterations illustrate the harm caused by more contemporary modifications as identified within paragraph 3.3 of the Chancery Lane Conservation Area Supplementary Planning Guidance 1999 (CA SPG). This states that '*post WW2 alterations to the shop fronts on Bromley Road have sometimes been unsympathetic to the character and appearance of this part of the area. Throughout the conservation area, the Council will encourage the retention and repair of original shop fronts, and the replacement of altered shop fronts with timber shop fronts of a more traditional design, employing details such as stall risers and pilasters'*. The issue identified is evident within the host row where more contemporary shopfronts have been installed, although there remains a predominance of well-proportioned, traditional shopfronts that contribute positively to the street scene and the CA.

7. The retention of a further contemporary addition, that fails to reflect the positive design features of the more traditional shopfronts within the street scene, would neither preserve nor enhance the character of the host terrace or CA. It is legitimate that the Council should seek to raise the standard of development respecting the original design, proportions and detailing of shop fronts and this is reflected within policy 101 of the adopted Bromley Local Plan 2019 (BLP) and the CA SPG, and the appeal development fails in this regard.

8. The appellant has sought to provide details of other shopfronts and previous applications within the area, including the lack of reason for refusal relating to a shopfront in a previous planning application for the appeal site and a previous consent at No 94. However, whilst I am not aware of the full details of each case, the presence of existing development that fails to reflect traditional detailing, does not justify allowing further alterations that would neither preserve nor enhance the character or appearance of the CA. I also note that there has been a substantive shift in policy since the quoted examples. I have therefore considered the appeal proposal in accordance with the most up to date planning policies.

9. For the collective reasons outlined above, I conclude that the appeal development fails to preserve or enhance the character and appearance of the CA and as such fails to accord with the conservation requirements of policies 41 of the BLP and 7.8 of the London Plan 2016 (LP) and the guidance contained within the CA SPG that, amongst other things, promotes development that preserves or enhances the character and appearance of Conservation Areas. In addition, the proposal would be at odds with policy 37 of the BLP, that seeks high quality shopfronts that complement the surrounding street scene and policies 37 of the BLP and 7.4 and 7.6 of the LP which seek well-designed places.

10. In respect of the above, and taking into account paragraph 196 of the Framework, the harm caused to the CA would be less than substantial. Therefore, such identified harm to the significance of the designated heritage asset needs to be weighed against any public benefits of the proposal.

11. The appellant indicates that the installed shopfront would comply with disabled access requirements. I have due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. However, in this case, refusal of planning permission is a proportionate and necessary approach to the legitimate aim of avoiding the harm that has been caused to the character and appearance of the CA. As such, I consider matters relating to provision of disabled access do not outweigh the identified harm to the CA.

Other matters

12. The appellant has indicated that they would be willing to accept a condition to ensure the provision of a stallriser. However, it has been necessary for me to determine the appeal on the basis of the submitted plans before me. In the event that the appellant decides to opt for a different shop front he can of course discuss this with the local planning authority and, if appropriate, submit a further planning application.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR