

Appeal Decision

Site visit made on 29 September 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/G5180/D/20/3250835
67 Wickham Way, Beckenham BR3 3AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mrs D Patel against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04128/RECON, dated 9 January 2020, was refused by notice dated 5 March 2020.
 - The application sought planning permission for the demolition of existing house and erection of replacement detached dwelling with integral garage – revisions to planning permission Ref 18/02966 to include additional single storey rear extension without complying with a condition attached to planning permission Ref DC/19/04128/FULL1, dated 9 December 2019.
 - The condition in dispute is No 1, which states that: 'The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority'.
 - The reason given for the condition is: 'In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity'.
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Preliminary Matters

1. The application the subject of this appeal sought permission to vary condition No 1 imposed on the original grant of planning permission for the erection of a replacement dwelling (Ref DC/19/04128/FULL1). This standard condition requires development to be carried out in accordance with the approved plans. The variation sought to the condition is to allow an amendment to the design of the front elevation of the replacement dwelling so that the approved barn hip roofs would be replaced with gable roofs.

Decision

2. The appeal is allowed and planning permission is granted for the demolition of existing house and erection of replacement detached dwelling with integral garage – revisions to planning permission Ref 18/02966 to include additional single storey rear extension at 67 Wickham Way, Beckenham BR3 3AH in accordance with the application Ref DC/19/04128/RECON, dated 9 January
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2020, without compliance with condition No 1 previously imposed on planning permission Ref DC/19/04128/FULL1, dated 9 December 2019, and subject to the conditions included in the Schedule at Annex A.

Main Issue

3. The main issue is whether the proposed variation of the condition would preserve or enhance the character or appearance of the Park Langley Conservation Area.

Reasons

4. The Park Langley Conservation Area covers a predominantly residential area of large detached dwellings set in generous plots. This part of Wickham Way reflects this wider character of the area, although there is a mix of dwelling ages and design. No 67 is located on a corner plot next to the junction of Wickham Way with Whitecroft Way.
5. There is a variety of roof forms visible within the street scene, reflecting the varied design of individual dwellings. There are some examples of barn hip roofs to the front of a couple of properties opposite the appeal site. However, the predominant form of roof for the many examples of front bays in the immediately surrounding area is a gable with a simple dual pitch as proposed here. Prominent examples nearby are Nos 61, 63, 65 and 72.
6. Consequently, the proposed change would not be uncharacteristic given that this existing feature forms part of the conservation area's character and appearance. I acknowledge that the gable roofs to the front would be larger than on some of these immediately neighbouring properties, but there are similar examples on a number of properties further along Wickham Way. Moreover, in a setting where dwellings are of varied individual design, the existence of these common features in a prominent position on a corner plot would not of itself be harmful. The height and depth of the gables would be in keeping with the dwelling's overall size and proportions and would not be dissimilar to the form and appearance of these features found elsewhere within the street scene.
7. In reaching these findings I am particularly mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area¹.
8. Accordingly, for the above reasons, I conclude that the proposed variation of the condition would preserve the character and appearance of the Park Langley Conservation Area. As such, it is not contrary to the following development plan policies: 7.4 and 7.8 of The London Plan which concern, respectively, the effect of development on local character and heritage assets; 6 and 37 of the Bromley Local Plan, which concern the effect of development on local character; and 41 of the same plan, which concerns the effects of development in conservation areas. There is no conflict also with Supplementary Planning Guidance for the Park Langley Conservation Area. These policies are consistent

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

with the National Planning Policy Framework, particularly section twelve concerning good design and section sixteen concerning the historic environment.

Conditions and Overall Conclusion

9. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I have imposed all those previous conditions that were imposed originally. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
10. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under planning permission ref DC/19/04128/FULL1, except that revision 'h' ('gables added to front elevation', dated 27 December 2019) shown on drawing no. WW-934-PD-05 replaces the design of these features as previously approved.
- 2) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of the original decision notice for planning permission ref DC/19/04128/FULL1.
- 3) No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:
 - (a) Dust mitigation and management measures
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Measure to reduce demolition and construction noise
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

- (i) Rationalise travel and traffic routes to and from the site as well as within the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Full contact details of the site and project manager responsible for day-to-day management of the works
 - (v) Parking for operatives during construction period
 - (vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
- (e) Hours of operation
- (f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis
- (g) The development shall be undertaken in full accordance with the details approved under Parts a-f.
- 4) Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial 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 to those originally planted.
- 5) (a) Surface water from private land shall not discharge on to the highway.
- (b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.
- (c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.
- 6) (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.
- (b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

- 7) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 9) Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.
- 11) Before any part of the development hereby permitted is first occupied the **** shall be provided with **** visibility splays and there shall be no obstruction to visibility in excess of **** in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.
- 12) Before the development hereby permitted is first occupied the proposed window(s) in the north flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.
- 13) The development shall be implemented in accordance with the Arboricultural Report (16th October 2018) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

- 14) No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

[End of Schedule]