
Appeal Decision

Site visit made on 20 October 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/G5180/W/20/3252586

3 Beckenham Road, Beckenham BR3 4ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J Dayani against the Council of the London Borough of Bromley.
 - The application Ref 20/00512/FULL1, is dated 5 February 2020.
 - The development proposed is revised details of planning permission 16/04145 (construction of a part 1 and 2 storey upper level extension to provide an additional 2 storeys comprising 6 x 2 bedroom and 2 x 1 bedroom flats) to comprise an amended roof design and amended external materials to third floor.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. This appeal is made as no notice of a decision on the application for planning permission was given within the relevant time period (or within an extended period agreed in writing) following the serving of a non validation notice under the procedure in Article 12 of The Town and Country Planning (Development Management Procedure) Order 2015. The appeal will therefore consider whether planning permission for the proposal should be granted or refused. The merits of the validation dispute will be considered in Other Matters.
3. In their Statement of Case the Council indicates that the issue on which they would like to contest the appeal is the effect on the character and appearance of the Beckenham Town Centre Conservation Area and other nearby heritage assets. As such, I will consider this matter first.
4. I have adopted the Appellant's suggested revised description of development as a clearer reflection of what is proposed than that on the planning application form.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the Beckenham Town Conservation Area and other nearby heritage assets, with particular regard to their setting.

Reasons

6. The character of the area is informed by the busy commercial nature. The appeal site sits immediately next to the boundary of the Conservation Area, at the edge of what might be visually regarded as the town centre before it moves towards a more residential setting.
7. The roundabout adjacent to the site with the Grade II Listed war memorial at the centre is a dominant feature in the locality and provides a sense of openness and focus. Encircling the roundabout are a number of buildings of varying vintage, with those of Victorian appearance concentrated on one side and more modern buildings generally on the other, the Grade II Listed Odeon Cinema and locally listed City Gate Church being of particular note. My attention is also drawn to the Beckenham Town Centre Conservation Area Appraisal, which confirms the importance of the roundabout area near the site in providing a striking entrance into the High Street of important streetscape value.
8. The modern buildings described above differ in their position in relation to the street but share some common features in terms of their form. However, the presence of flat roofs at upper floor levels is a consistent and highly visible feature due to the openness of the setting and contributes to the character and appearance of the area.
9. The main building on the appeal site also presents a flat roof that reinforces this positive characteristic of the area. Due to the openness of the setting and its scale, the building is open to both close and more distant public views from within the conservation area. Of particular note is the view from the High Street, heightened further by the gentle incline of this road, but also from the other views that the Council highlight.
10. The proposed development includes cladding much of the second floor level in zinc and a new pitched roof structure that would also be clad in zinc. These details differ to those granted under the extant planning permission which included a flat roof, rather than pitched, with a general approach to form and design intended to replicate the existing building.
11. By contrast, the proposal would alter the form of the building considerably, introducing a substantial pitched roof structure that would increase the overall height of the building to well above the neighbouring commercial properties. It would be highly visible from the public vantage points. The proposal would also contrast poorly with the flat roofed appearance of the nearby heritage assets, the Odeon and City Gate Church, which the building is viewed within the context of. It would also diminish the overall setting of the listed war memorial.
12. The zinc treatment would further increase the prominence of the proposed development. These materials, in combination with the scale of the new roof structure would give the building a bulky appearance that would contrast poorly with the treatment at lower levels.

13. Overall, the proposed development would cause harm to the setting of the conservation area and other nearby heritage assets. As such, it would fail to preserve the setting of listed buildings and preserve or enhance the character or appearance of the conservation area. It would also cause harm to the setting of a non designated heritage asset.
14. As the harm identified to designated heritage assets would be less than substantial it should be weighed against any stated public benefits in accordance with paragraph 196 of the National Planning Policy Framework. I have considered the Appellants submissions and find no factors capable of being a benefit that would outweigh the harm.
15. For the reasons described, I find conflict with policies in the local plan, in particular Policies 37, 38, 39, and 42 of the Bromley Local Plan and Policies 7.4, 7.6, and 7.8 of the London Plan which collectively provides a policy framework for ensuring that development achieves a high standard of design that would preserve or enhance local heritage assets.

Other Matters

16. The issue of the invalidity of the submitted application is peripheral to my above findings on the planning and heritage merits of the proposal. The submitted drawings are clearly sufficient to enable me, and the Council in its appeal statement, to conclude on the effects of the development.
17. However, that does not necessarily mean that the submitted plans and other details are sufficient to comply with the national and local validation requirements which are set out in National Planning Guidance¹, which includes meeting local list requirements. As the Appellant does not set out in sufficient detail how each of the relevant requirements has been met I cannot conclude on the merits of the dispute which, in any event, have not influenced my conclusions on the planning merits of the proposed development.

Conclusion

18. For the above reasons, and having regard to all other matters raised I conclude that the appeal should be dismissed.

D.R. McCreery

INSPECTOR

¹ See [Paragraph: 016 Reference ID: 14-016-20140306](#)