
Appeal Decision

Site visit made on 11 November 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020.

Appeal Ref: APP/G5180/W/20/3251560

51 Foxgrove Road, Beckenham BR3 5BB

- 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 Savager and Ms Di Nardo against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04788/FULL1, dated 8 November 2019, was refused by notice dated 25 February 2020.
 - The development proposed is the demolition of the existing property (currently divided into two flats) and redevelopment of the site with one new build property.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; secondly, on the protected cedar tree; and thirdly, on the living conditions of the occupiers of 55 Foxgrove Road with particular regard to potential noise and general disturbance.

Reasons

Character and appearance

3. Considered as a building in isolation, the proposed replacement dwelling would present an eye-catching development. The submitted design is modern, bold and imaginative. With its clean lines, varied wall heights and roof profiles, large glazed units, terraces, timber insets and an attractive landscape setting, the proposal would make a strong visual statement. That impact would be pronounced in this case given the site's prominent location at the corner of the junction between Foxgrove Road and Foxgrove Avenue. However, my impression of the Area of Special Residential Character (ASRC) to which the site belongs is that a key part of its distinctiveness derives from the broadly coherent relationship between dwellings where generally, no single building stands out or dominates.
4. I saw that buildings within the ASRC vary in style, scale, height and general appearance, as the appellants' comparative analysis shows. Even so, buildings within this designated area do share several common themes that provide some sense of unity including the use of both brick and render, pitched hipped roofs and predominantly 2-storey main elevations albeit with some exceptions. The new addition would be no taller than 49 Foxgrove Road, which stands at

the opposite corner of the junction to the site, and other nearby properties. However, the completed dwelling would still draw the eye as a discordant element because it would clearly appear from the street as a 3-storey building with flat roof elements despite the set backs to the upper floors.

5. The new building would take advantage of the gently sloping ground and be similar in width to No 49. Its 'stepped' elevations would visually 'break up' the scale of the building to some extent. Even so, the submitted design includes visually strong horizontal lines at first and second floors around 3 sides of the proposed dwelling, the effect of which would be to accentuate the mass of the new built form. From the street, it would be perceived as noticeably bulkier compared to other nearby properties notwithstanding their full width hipped roofs. That impression would be most evident from the adjacent junction notwithstanding the partial screening provided by the landscaping and the brick boundary wall, and the dwelling's position set back from the road frontages.
6. From what I observed, front and side terraces, large windows, flat roofs and timber panel insets, as proposed, were largely unfamiliar features to the upper level of buildings in the same part of the ASRC as the site. While several properties elsewhere include some of these elements, few exhibit all of them in the same street scene as the site. This departure from the local architectural language would draw undue attention to the proposal. It would exacerbate the awkward relationship between the appeal scheme and existing development. Adjusting the choice of external materials, which could be covered by a condition, would not overcome these concerns.
7. A good-sized back garden would remain with the new built form in place. A reasonable gap would also separate the front and sidewalls of the new building and the site's boundaries and so the sense of openness to the road and around the adjacent junction would be retained. Although the proposal would alter the balance of space around the new building compared to the existing house, the spacious feel to the local street scene, which is also a notable feature of the ASRC, would remain. Nevertheless, the detailed design, scale and form of the proposal would cause it to be incongruous and obtrusive in the area.
8. There is greater variety of built form along the opposite side of Foxgrove Road to the site, including blocks of flats with balconies and 3-storey buildings. This area is outside the ASRC. Nevertheless, it is the properties along the same side of Foxgrove Road and Foxgrove Avenue with which the proposal would be mainly visually 'read'.
9. The appellant places some reliance on a decision to grant planning permission on appeal for a contemporary style house at 21 Beckenham Place Park, which is also in the ASRC. From the limited details provided, I cannot be certain that the circumstances involving that scheme are the same or very similar to those of the proposal before me. It is therefore difficult to draw any direct parallels with the development sought in this case. The decision at No 21 does not change the context of this site to the degree where the incompatibility of the proposal should be accepted.
10. In my experience, developments that contrast in style can positively contribute to the diversity of an area and enliven the street scene to which they belong. Furthermore, planning policy at all levels generally welcomes innovative design. However, that policy support is qualified. The National Planning Policy Framework (the Framework), for instance, notes that development should

respond to local character and add to the overall qualities of an area. For the reasons given, the proposal would be incompatible in its context and so it would not achieve these outcomes.

11. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such, it is contrary to Policies 4, 37 and 44 of the Bromley Local Plan (LP) and Policy 7.6 of the London Plan (LP). These policies require development to respect local character, complement adjacent buildings, be appropriate to its context, add to the street scene and, within ASRCs, strengthen their special and distinctive qualities. These policies underpin the advice within the Council's Supplementary Planning Guidance (SPG) No 1 *General Design Principles* and No 2 *Residential Design Guidance*, and the London Housing Supplementary Planning Guidance with which the proposal would also conflict.

The protected cedar tree

12. A Tree Preservation Order (TPO) protects the cedar tree (hereafter referred to as the tree) in the back garden of No 51. It is a fine specimen in good condition and it is a prominent and attractive feature when seen from both Foxgrove Road and Foxgrove Avenue. The tree positively contributes to the leafy character and quality of the local street scene.
13. The canopy of the tree would overhang a major part of the rear garden to the new house. Therefore, there may be pressure in the future to prune this tree as future occupiers seek to reduce or avoid the potential nuisance and damage that might arise mainly from branches falling, thereby impairing their enjoyment of the property. However, the appeal scheme has been carefully designed to take this tree into account by including an upper rear terrace from which future occupiers can appreciate it. This terrace and a good-sized front garden would also be provided and so not all of the private outdoor amenity space available to future occupiers would be beneath or close to the tree.
14. Furthermore, it does not necessarily follow that modest works would necessarily harm the tree or significantly diminish its high amenity value or the contribution to the local streetscape. The recent consent to thin the crown of the tree with consequent benefits to the streetscape underlines this point. While an interested party raises additional concern about the potential damage to the tree during the construction and demolition phases, I am persuaded that adequate protection could be provided and secured by a condition.
15. On the second main issue, I conclude that the proposal would not unduly harm the health and life expectancy of the protected cedar tree. Accordingly, the appeal scheme does not conflict with BLP Policy 73, which requires that proposals take into account existing trees that are desirable to be retained. My finding does not outweigh the significant harm that I have identified in relation to the effect of the proposal on the character and appearance of the local area.

Living conditions

16. The size and elevated position of the new terrace and balcony to the upper side and rear of the new building would provide platform on which people could gather and sit out. Of the properties near to the site, it is the occupiers of 55 Foxgrove Road, which would stand side-by-side with the new dwelling, that are most likely to be affected by any associated noise and general disturbance.

However, I doubt that the level of activity would be significantly greater than that generated by the reasonable use of the gardens. Taking into account that the noise levels resulting from such activity are likely to be what could be reasonably expected in a mainly residential area such as this, the occupiers of No 55 would not experience any greater harm from noise and disturbance as a result of the proposal.

17. On the third main issue, I conclude that the appeal scheme would not materially reduce the living conditions of the occupiers of No 55. As such, it does not conflict with BLP Policy 37, LP Policy 7.6 and SPG No 2 insofar as they aim to safeguard residential amenity. This finding does not outweigh the significant harm that I have identified in relation to the first main issue.

Other matters

18. The proposal would make efficient use of the available land within the site. The new replacement dwelling would be constructed to Passivhaus standards and include energy efficient technologies. The appeal scheme would also include rainwater harvesting, meaningful landscaping, a sedum roof and green walls to enhance biodiversity on site. While these considerations weigh in support of the appeal scheme they do not outweigh the harm that I have identified.
19. Interested parties raise several additional concerns including the potential disturbance during the construction phase, traffic and car parking. These are important considerations and I have taken into account all of the evidence before me. However, given my findings on the first main issue, these are not matters on which my decision has turned.
20. The proposal was refined in the light of pre-application advice provided by the Council and the local Ward Councillor supported the application. I also note that according to the appellant, the Council voted in favour of refusing planning permission at the most recent committee meeting without debate or questions.

Conclusion

21. Nevertheless, for the reasons given, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR