
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/20/3251574
87 Beckenham Lane, Bromley BR2 0DN

- 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 Buildline Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03821/FULL1, dated 6 September 2019, was refused by notice dated 31 October 2019.
 - The development proposed is the erection of a ground floor extension to create a larger single retail unit. Including new access for the existing first floor flat.
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Decision

1. The appeal is dismissed.

Procedural matters

2. While the appellant has described the proposal as in the above header, the Council has referred to it as ground floor extensions to the front, sides and rear to create a larger retail unit together with a new access to the existing first floor flat. From my inspection of the plans, I consider that the Council's description more accurately reflects the development sought. I have assessed the proposal on that basis.
3. The appellant has requested that the appeal be determined on the basis of revised plans¹, which, in summary, omit the front extension, reduce the size of the new ground floor unit, alter the main shop front, lower the height of the rear extension wall and relocate the ramp and handrail to outside the building's frontage. Taken together, these amendments substantively alter the proposal and significantly change its effect on the character and appearance of the host building and the local area. As such, I am unable to share the appellant's opinion that the changes represent minor amendments to the refused scheme.
4. The appellant has carried out consultation on the revised plans and provided details of that exercise with the Shortlands Residents' Association now expressing support for the amendments. However, from the information provided, I cannot be certain that all those that should have been consulted on the revised plans were contacted. Furthermore, although the Council was made aware of the changes, it has not submitted comments on the revised plans nor has it formally consulted others on them.

¹ Refs 19-1093-P1 Rev B, 19-1093-P2 Rev D, 19-1093-P3 Rev B and 19-1093-P10 

5. Against that background, I am mindful of the Wheatcroft principles derived from *Bernard Wheatcroft Ltd v SSE* (1982), which are further explained in the Procedural Guide: Planning Appeals - England. This Guide advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
6. In the interests of fairness, I consider this appeal should be determined on the basis of the plans submitted to the Council and upon which it based its decision, which have been subject to formal consultation and not the suggested amendments. To do otherwise could prejudice the interests of interested parties including those who would not have been consulted on the amended plans and may have observations to make.

Main issues

7. The main issues are the effect of the proposed development on:
 - the character and appearance of the appeal property, which is a locally listed building, and the local area;
 - highway safety for users of Beckenham Lane; and on
 - the living conditions of the occupiers of 87d Beckenham Lane with particular regard to visual impact.

Reasons

Character and appearance

8. The proposal is to alter and extend the appeal property, which is a 2-storey building with a single storey side projection within an area of mixed character that includes residential, retail and commercial uses. It is a locally listed building that faces Beckenham Lane, which is a busy road. The listing description refers to the property as "Built as the Valley Coffee Tavern in 1881. Simple "Queen Anne" style building in stock brick with tiled roof and tiled gable ends. Original shop fronts." For brevity, I shall refer to the appeal property hereafter as 'the building'.
9. To my mind, the building derives its significance as a non-designated heritage asset primarily from its historical, architectural and visual interest. Specifically, the document titled *Historic Area Assessment of Shortlands Village*, dated February 2020, identifies the building as one of several key points of character within the area due to its historic links to the Shortlands Mission founded by Samuel Cawston, a non-conformist influenced by the temperance movement. As a building originally designed to serve the local community in the Victorian era, it has played an important role in the evolution of the local area.
10. With its well-proportioned 2-storey elevations, steep roof slopes, tall chimneystacks, decorative ridge tiles, tile hung front gables and original shop fronts, the building also has architectural and visual interest. These features add to its individualistic character and charm and are evident when seen from Beckenham Lane. From locations along this highway, the building adds visual interest to the street scene and to the character and qualities of the local area.

11. Historic England (HE) has confirmed that the building lacks the special historic and architectural interest in a national context required to qualify for statutory listing. Even so, HE does recognise that the building is of local interest.
12. The proposal would enlarge the footprint of the building, enlarge the ground floor on all 4 sides and noticeably add to its scale and mass at that level. When seen from Beckenham Lane, the finished building would appear unusually squat and ill proportioned as a result. That the forward projection of the front ground floor extension and new boundary walls would also be substantial and prominent features would visually accentuate the disharmony between the lower and upper parts of the finished building. The new front addition would also result in the loss of the timber framed shop fronts with fascias and upper glazed panels, which are original features. In doing so, the proposal would diminish the historical significance of the appeal property.
13. Taken together, these aspects of the proposal would unduly compromise the form and appearance of the building and reduce its historical, architectural and visual value. In doing so, its significance as a non-designated heritage asset would be significantly diminished, to which I attach considerable weight.
14. In weighing applications that affect non-designated heritage assets, the National Planning Policy Framework (the Framework) states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. In this case, prior approval was granted on appeal² and a subsequent lawful development certificate³ issued for the demolition of the building. The implication of these decisions is that if planning permission were to be refused then it could prompt the removal of the building. Equally, if this appeal scheme were to be approved then it could provide a means to retain a locally listed building and an opportunity to secure its future, which is a relevant consideration. However, it is unclear from the evidence whether these outcomes can only be achieved in the manner proposed nor is there a mechanism before me to ensure the retention of the building if planning permission were to be granted. It is also unclear what would replace the building on the site if it were to be removed, if anything. In those circumstances, I am unable to attach more than limited weight to this consideration in support of the appeal.
16. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the appeal property and the local area. Accordingly, it is contrary to Policies 37, 39 and 101 of the Bromley Local Plan (BLP), Policies 7.4, 7.6 and 7.8 of the London Plan (LP) and the Framework. Together, these policies require new developments to achieve a high standard of design and positively contribute to the existing street scene, avoid the loss of shop fronts with historic merit, and be sympathetic to the character and special interest of the locally listed building.

² Appeal Ref: APP/G5180/W/19/3241416 dated 30 March 2020

³ Ref DC/20/01346/PLUD dated 8 June 2020

Highway Safety

17. All servicing and deliveries to the new retail unit would take place on street close to the site. In this position, a parked service or delivery vehicle would be within the main carriageway of Beckenham Lane. It would be close to a forecourt used for car parking, a bus stopping place just outside the site and a pedestrian crossing a little further way.
18. According to the appellant, between 2 and 5 deliveries would typically be expected each day with vehicles parked on street for between 8 and 20 minutes. Given the width of the road at this point, this arrangement has significant potential to prevent other westbound vehicles from passing the parked vehicle or to cause drivers approaching from the opposite direction to wait to allow that manoeuvre to take place. Although forward visibility along Beckenham Lane is generally good, vehicles waiting in the carriageway would impede the free flow of traffic along it even for the relatively short time that a service vehicle is parked at the kerb side.
19. In particular, the Council notes that there would be insufficient space in the carriageway to accommodate a bus pulling away from the stopping place with a standard rigid vehicle servicing the retail unit and a rigid vehicle passing on the opposite side of the road. While that scenario may be unlikely as such vehicles are a relatively small part of the overall volume of traffic, it could still occur. A more likely scenario is where 2 cars traveling in opposing directions attempt to pass a parked service vehicle at the same time. In that manoeuvre, the appellant's evidence shows that the cars would need to pass uncomfortably close to each other such that in my opinion it could deter some drivers from attempting to do so given the obvious risk of a collision. The swept path analysis also shows that the clearance between a passing car and bus with a service vehicle parked on the carriageway would also be tight.
20. Given the high volume of traffic using Beckenham Lane, traffic queues would almost certainly materialise if the width of the useable carriageway were to be reduced by a parked service vehicle even for a short time. Some road users, frustrated by the associated delay, might attempt an unsafe manoeuvre. This would all occur on a busy road where buses might be pulling out of the nearby stopping place, cars could be reversing into or out the adjacent forecourt to the site and people could be using the nearby pedestrian crossing.
21. It is not uncommon for shops and commercial units to be serviced from the street, including those along Beckenham Lane, as the appellant's surveys confirm. However, the proposal would increase in the incidents of vehicles waiting within the carriageway of Beckenham Lane with an attendant increase in the risk of possible collisions. That the records of local traffic accidents indicate that all of the 16 incidents were regarded as 'slight severity', with most down to 'driver error' and none due to kerb-side servicing, does not necessarily mean that the proposed arrangements should be regarded as safe.
22. For the above reasons, the proposal would result in an unacceptable impact on highway safety. Accordingly, it conflicts with BLP Policy 32 and paragraph 109 of the Framework, which aim to ensure that road safety is not significantly adversely affected.

Living conditions

23. Sections of the new boundary wall and the roof over the rear extension would be evident from the upper windows of 87d Beckenham Lane, which is a residential property located just beyond the footpath to the rear of the site. These windows are set at an acute angle to the site and the width of the footpath would provide some visual separation to the proposal. While the proposal would be in close proximity to No 87d, this arrangement would ensure that the new rear extension would not overbear or dominate outlook. Hence, the living conditions of the occupiers of No 87d would not be materially reduced. For similar reasons, the occupiers of 87a Beckenham Lane, which also backs on to the footpath, would not be significantly affected.
24. On the third main issue, I conclude that the proposal would not cause significant harm to the living conditions of the occupiers of No 87d. As such, there is no conflict with BLP Policy 37 and LP Policy 7.6 insofar as they aim to safeguard residential amenity. My favourable finding on this matter does not outweigh the harm that I have identified on the first two main issues.

Planning balance

25. The proposal makes an efficient use of land. There would be economic benefits from the sale of materials during the construction phase and from spending by future occupiers of the flat and shoppers using the retail unit. An interested party considers there to be a need for a supermarket, which could be met by the proposal. These considerations all weigh in support of the proposal.
26. On the other hand, the Framework states that developments should respond to local character; protect and enhance the local environment; add to the overall qualities of the area; safeguard the significance of heritage assets; and secure safe access. The proposal would not comply these important policies. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal.

Other matters

27. Interested parties raise several additional concerns including the effect of the proposal on vehicle parking, local businesses and the potential disturbance during the demolition and construction phases. These are all important matters and I have taken into account all of the submitted evidence. However, given my findings on the first and second main issues, these are not matters on which my decision has turned.

Conclusion

28. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR