



Appeal Decision

Site visit made on 21 December 2020

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2021

Appeal Ref: APP/G5180/W/20/3255465

406 Upper Elmers End Road, Beckenham BR3 3HG

- 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 Makdad Khan against the decision of London Borough of Bromley.
 - The application Ref DC/20/00733/FULL1, dated 20 February 2020, was refused by notice dated 23 June 2020.
 - The development proposed is provision of level access to main entrance and raised timber decking with safety balustrade for the existing forecourt.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the parade and the surrounding area.

Preliminary Matters

3. I note that there is a difference between the description in the application form and that used by the Council in its decision notice. I have considered the appeal on the basis of the description shown in the Council's decision notice, as that is used on the appeal form.

Reasons

4. The appeal property is a ground floor restaurant unit, which forms part of the terraced commercial parade at Nos. 404-420 Upper Elmers End Road. Unit frontages are modern but none extend beyond the original building line. There are forecourts in front of the units, these slope down to the public footpath and are generally used for car parking.
5. The appeal property is located second from the north western end of the parade. The unit frontage is elevated, set 6m-7m back from the public footpath, and its paved forecourt is considerably steeper than others. There is a brick, dwarf wall along most of its boundaries.

6. The proposed development would introduce raised timber decking with balustrade and access ramp, across the full width and depth of the forecourt: to allow outside dining. In order to maintain a level deck, contiguous with the ground floor of the unit, it is proposed to place the decking at a height of around 0.9m adjacent to the public footpath. With balustrading the overall height, at this point, would be around 1.7m.
7. Due to the scale and height (eye level), the proposed development would be prominent, clearly visible for some distance along Upper Elmers End Road, and thus conspicuous. Therefore, I consider that the proposed development detrimentally alters the character and appearance of the parade by introducing an obtrusive and unsympathetic street feature, thus causing harm to the character and appearance of the surrounding area.
8. Therefore, the proposal conflicts with policy 37 of the Bromley Local Plan 2019. Among other things, this requires a high standard of design that complements adjacent buildings and improves the appearance of the street scene.

Other Matters

9. The appellant refers to the decking to the front of No. 416. I have taken this into account. The height above ground, of that decking, with or without balustrade is significantly lower. Notwithstanding this, proposals are considered on individual merit having regard to the development plan/material considerations extant at that time.
10. The appellant raises the issue of safety and outdoor dining during the current emergency period. I have taken this, and the economic benefit of additional dining space, into account. However, these matters do not change my conclusions on the specific harm I have identified arising from the appeal proposal.

Conclusion

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

Euan FS Pearson

INSPECTOR