



Appeal Decision

Site visit made on 29 June 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021.

Appeal Ref: APP/G5180/D/21/3270429

59 Manor Way, Beckenham, BR3 3LN

- 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 Jonathan McCarthy against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/02598/FULL6, dated 10 July 2020, was refused by notice dated 16 February 2021.
 - The development proposed is construction of 2 summerhouses to rear garden and replacement fence.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 2 summerhouses to rear garden and replacement fence at 59 Manor Way, Beckenham, BR3 3LN in accordance with the terms of the application, Ref DC/20/02598/FULL6, dated 10 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Site Location Plan; Block Plan; C2007944 D1 – The 'New England' Outbuilding; and C2007944 D2 – The 'Avondale' Outbuilding and Proposed New Fencing.
 - 3) The development hereby permitted shall be constructed in the materials as detailed on the approved plans and as described on the planning application forms with the exception of the fence that shall be constructed in timber with a natural finish, unless otherwise agreed in writing by the local planning authority.

Preliminary Matters

2. I have used the Council's description of the development in the banner heading as it more concisely describes the proposal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of Manor Way Conservation Area.
4. Manor Way Conservation Area (CA) consists of a series of highly individual detached properties, unified by their common age of construction (inter-war) and a common reference to neo vernacular design and materials. It represents a fine example of the way in which architects of the early twentieth century explored the house building traditions of many parts of Britain, in an attempt to synthesise a new architectural style. Landscape features are also a characteristic feature of the area. Also of importance are the views from the CA into open land, including Kelsey Park.
5. The appeal property is a detached dwelling that is located within a large, well landscaped plot. It has a raised terrace and a raised outdoor swimming pool to the rear.
6. The proposal would involve the erection of two outbuildings. One of these, 'the Avondale' outbuilding would be sited adjacent to the side boundary of the site beyond which is 57 Manor Way. The proposed building would be small in scale, with a width of about 2.3m and a maximum height of around 2.4m. The second building would be larger, with a width about of 5.7m and a similar depth, if the front outside covered area is included in the calculation. It would have an overall height of about 3.3 metres.
7. In my view, the proposed outbuildings would be of a domestic appearance, appropriate to a garden setting. They are also of a size and scale that would clearly be subordinate to the main dwelling. Whilst there is a raised terrace and swimming pool to the rear of the dwelling, there were no other buildings within the rear garden at the time of my site visit. Furthermore, I noted that the visual appearance of the raised outdoor swimming pool is softened by the use of artificial grass. The proposed outbuildings even when considered cumulatively along with the raised terrace and swimming pool, would not be disproportionate in terms of their coverage in relation to the size of the plot.
8. The site is very well screened by trees and other planting along its boundaries. Accordingly, the proposed outbuildings would be not visually prominent when viewed from adjoining gardens and I am satisfied that the visual and residential amenities of adjoining residents would not be adversely affected by the proposal. The buildings would be constructed in wood and the sides would be painted, with a grey felt roof. Having regard to the secluded nature of the plot, I find that the proposed materials would be appropriate and I am therefore satisfied that the proposed structures would not have a harmful effect on the surrounding area and would preserve the character or appearance of the conservation area. Furthermore, the rear boundary of the site is particularly well screened and the proposed buildings would not impact on any views into open land, including Kelsey Park.
9. With regard to the proposed fence, it would have an overall height of 1.8m and would incorporate a lattice top. I note that the planning officer's report to Committee acknowledges that the proposed boundary fence could be constructed under permitted development rights as it would be under 2 metres in height. Nevertheless, it does form part of the appeal proposal.

10. The proposed fence would be constructed along the boundary with 61 Manor Way. The boundary is marked by a picket fence, with trees and other dense screening along its length. The proposed fence would be of a height and appearance that is typical of boundaries found in domestic gardens. Whilst I note that the application forms state a preference for it to be finished in a white vinyl, I consider that a natural timber finish would be more appropriate as it would blend more satisfactorily into its surroundings. This is however, a matter that could be conditioned should I be minded to allow the appeal.
11. Whilst I acknowledge that there would be a need for some pruning, I am satisfied that the fence could be constructed without having a significant effect on the existing trees and landscaping along its length. In addition, the landscaping along this boundary that was secured in relation to the previous proposed for the erection of an outdoor swimming pool and raised terrace (LPA ref. 18/01004/FULL6) would remain subject to condition 6 of the planning permission, as set out in the Officer's report to Committee. I therefore conclude that the proposed fence would not result in harm to the character and appearance of the area or any other visual harm.
12. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. I am however satisfied that proposed would not have a harmful effect on the character and appearance of the surrounding area and that the character or appearance of Manor Way Conservation Area would be preserved. Accordingly, there would be no conflict with LP Policy 41 which requires development to preserve and enhance the character and appearance of Conservation Areas. The proposal would also comply with LP Policy 37 which requires development to be of a high quality design and layout.

Other Matters

13. With regard to comments from interested parties, the proposed fence would not be forward of the dwellinghouse and as such, would not interfere with sightlines.
14. Comments made in relation to the ownership of the boundary are not within the remit of this appeal and would be legal matter for the parties concerned to resolve. With regard to other representations, I see no reason to restrict lighting within the buildings or to prevent side facing windows as I am satisfied that the siting and design of the proposed buildings would not result in any material harm to the living conditions of the occupiers of adjoining dwellings.

Conditions

15. In addition to the standard 3 year implementation condition, for clarity I have imposed a condition requiring the proposal to be constructed in accordance with the approved plans. I have also imposed a condition relating to materials in the interest of visual amenity. Whilst the officer's report to Committee suggests a pruning condition, this is not necessary as trees within the conservation area are automatically protected from being cut down or pruned unless written notice of the proposed trees works has first been served on the local planning authority. A condition restricting the use of the outbuildings is not necessary as any uses that are not ancillary to the enjoyment of the main dwelling would require planning permission.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

J Davis

INSPECTOR