



Appeal Decision

Site visit made on 24 August 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/G5180/D/21/3276322

35 Hayes Way, Beckenham BR3 6RJ

- 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 Peter Merrell against the decision of the Council of the London Borough of Bromley.
 - The application, Ref. 21/01385/FULL6, dated 12 March 2021, was refused by notice dated 10 May 2021.
 - The development proposed is the retention of a new front brick wall with black painted metal sliding gate.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application refers to 'retention' of the wall and gate, but as this is not development under the planning acts I shall deal with the appeal as a retrospective application for their construction.

Main Issue

3. The main issue is the effect of the front boundary treatment on the character and appearance of the Park Langley Beckenham Conservation Area.

Reasons

4. The Council's objection is that the existing combination of the boundary wall and gate has an unacceptable visual impact on the street scene of Hayes Way which forms part of the conservation area. For the appellant it is argued that the boundary treatment is a high quality development; that it would not be dissimilar to a number of other front boundary treatments in the locality, and that it would not have a harmful effect on the conservation area.
 5. On my visit I observed that there are a variety of front boundary treatments, both generally in the conservation area and Hayes Way in particular, but also in the vicinity of No. 35 on the same side of the road. Some houses are completely open to the road whilst others have brick boundary walls of a sufficiently modest height to essentially retain an open character and appearance. And as the appellant points out, by way of contrast there are properties that have full width hedges of a height that effectively precludes an open frontage.
-

6. On the last point, I note that the Council's Notice of Refusal refers to '*the green **and** open character of the street scene*' (my emphasis). From my visit I conclude that although excessive heights of front hedges can be harmfully incongruous, for the most part the natural greenery of a hedge is part and parcel of the conservation area and thereby retains its character and appearance. This outweighs much of any harmful effect of the effect on the open character.
7. However, the boundary treatment at No. 35 is neither green nor open. Although it appears to be of a technically good quality in terms of its construction and materials, the particular combination of railings and brickwork at this scale results in an 'over-engineered' and obtrusive appearance that unduly encloses the frontage and jars with its immediate surroundings and this part of the street scene. Nor do I agree with the appellant's view that being able to see through the railings equates to openness.
8. I have noted the appellant's references to other properties in the locality that already have similar boundary treatments. In some cases the choice or combination of the materials used and immediate context of the sites could be argued to have a less harmful impact than at the appeal property. However, be that as it may, the more important point is that these are insufficient in number to have materially changed the character and appearance of the conservation area. If I were to allow the appeal this would make it more difficult for the Council to resist further similar developments and there would be an incremental erosion of the special qualities of the conservation area as described in the Supplementary Planning Guidance for Park Langley.
9. In summary, the appeal scheme fails to preserve the character and appearance of the conservation area, thereby diminishing the significance of this designated heritage asset in conflict with Policies 37 & 41 of the Bromley Local Plan 2019 and Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2021 ('the Framework'). Whilst in this case there would be 'less than substantial harm' to the significance of the heritage asset (as referenced in paragraph 202 of the Framework), in this case I can see no public benefit of the proposal that would outweigh the harm caused.
10. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Andrews

INSPECTOR