



Appeal Decision

Site visit made on 21 February 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH March 2022

Appeal Ref: APP/G5180/D/22/3290123

48 Park Avenue, Bromley, Kent BR1 4EE

- 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 and Mrs Kanapathippillai Iynharan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/02555/FULL6, dated 23 May 2021, was refused by notice dated 20 October 2021.
 - The development proposed is demolition of the existing front boundary wall and front side walls, reform walls and railings, relocate the crossover, and front hardstanding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the proposed development in my banner above from the application form, but have omitted the reference to an 'application submitted to highways' as that is not an act of development.
3. I have also dealt with another appeal (Ref: APP/G5180/D/22/3290119) on this site. That appeal is the subject of a separate decision. Finally, I have taken the spelling of the appellant's first name from the appeal form, which is consistent with that other appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The buildings along Park Avenue are typically set well back from the highway behind front gardens and areas of hardstanding. The boundaries to the front section of the plots are varied, and include a mix of walls, fences, railings and hedgerows. Most of those boundary structures are fairly modest in height. As a result of that, together with hedgerows, trees and landscaping, the streetscene has a predominantly spacious and verdant character.
6. According to drawing nos. P544 B01 and P544 B03, the host property has a 0.8 metre high rubble wall, along with slightly taller wooden pedestrian gates on its front boundary, and an approximately 1.2 metre high timber fence on its side boundary to 46 Park Avenue ('No 46'). That modestly proportioned boundary

treatment therefore contributes to the area's prevailing character, as does the tall hedgerow just within No 46's side boundary.

7. In place of the current boundary treatment, 1.8 metre high brick piers, along with black railing panels on a brick wall to a maximum height of 2 metres, and a sliding metal railed gate, would be constructed adjacent to the pavement. Additionally, a 1.8 metre high brick wall would be erected along part of the side boundary with No 46, with the retained fence and hedgerow just beyond.
8. There are examples of those proposed materials as boundary treatment elsewhere on the front part of the plots on Park Avenue, and at paragraph 6.13 of their grounds of appeal the appellants cite some instances of walls and piers. I observed on my visit a particularly tall wall on the front boundary at No 30.
9. However, other than that example, I observed few front or side boundaries comparable in height to those proposed here. Whilst the railings would provide a degree of openness, the overall extent and height of the boundary treatment proposed would lead to a stark and enclosed ambience in the streetscene, which would jar with Park Avenue's generally much more open and landscaped character. The harmful impact on the area's character and appearance would be particularly apparent given this site's prominence when approaching from Quernmore Road.
10. With regards the proposed side wall, the appellants state that in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'), only the part of it adjacent to the highway requires planning permission. At paragraph 6.6 of the grounds of appeal they also set out that the existing fence is 1.6 metres high, although that is at odds with what is depicted on drawing no. P544 B01.
11. However, the side wall as proposed is much taller than the GPDO's fallback option. The appellants have also suggested that a condition could be applied to limit to 1.6 metres high that part of it adjacent to the highway which is not permitted by the GPDO. However, that is not the development before me, I do not have the wording of such a condition, and there would be little certainty regarding the length of wall to be reduced. In any event, that would not overcome the harm that the scheme as a whole would cause.
12. Amongst other things, Policy 37 of the Bromley Local Plan 2019 requires development to complement the scale, proportion, form, layout and materials of the area and to positively contribute to the streetscene. The supporting text refers to the need to encourage local distinctiveness and sense of place. For the above reasons the scheme would conflict with that policy.

Conclusion

13. The proposal would cause significant harm to the character and appearance of the area. It would therefore conflict with the development plan and, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR