



Appeal Decision

Site visit made on 6 September 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/G5180/W/22/3290471

132 and 132A High Street, Beckenham BR3 1EB

- 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 Eden Park Property Ltd against the decision of the London Borough of Bromley.
 - The application Ref DC/21/01649/FULL1, dated 1 April 2021, was refused by notice dated 16 July 2021.
 - The development proposed is the demolition of the first floor rear extension including 1x studio flat to build three storey rear extensions to create two new flats, 1x 2 bedroom for 3 persons and 1x studio flat for 1 person including bin and bike store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Beckenham Town Conservation Area,
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring buildings in relation to daylight and sunlight, and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers of the proposed studio flat with regard to private outdoor space.

Reasons

Conservation Area

3. The appeal site is occupied by a three-storey end of terrace building with additional rooms in the roof. The building has a retail unit on the ground floor and residential accommodation above and sits within a busy and urban 'high street' location, with the surrounding buildings varied in scale and appearance. It is also located within the Beckenham Town Conservation Area which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

4. The significance of the Conservation Area relates to its use as the historic core of Beckenham with the High Street area characterised by historic buildings on narrow urban plots at a right angle to the street, made up of predominantly terraced development. The appeal property is a period building with a brick built façade and traditional detailing, which makes a positive contribution to the Conservation Areas significance. The end of terrace location and the existing gap between the appeal building and the neighbouring property at 134 High Street, breaks up the urban, terraced built form along the road, maintaining a spacious nature between the buildings. This gap also has a positive impact on the character and appearance of the Conservation Area.
5. Whilst the proposed development would be erected in a similar position to the existing first floor extension, which is to be demolished, the width of the proposed extension at first floor and second floor levels would be wider than the existing structure, abutting the most western boundary of the appeal site with no set back. It would also be greater in depth, resulting in a larger and more prominent addition to the rear of the building. Whilst the proposed development would be located to the rear of the building, it's width at first floor and second floor levels would extend further west than the host building and therefore would be visible within the streetscene. Furthermore, due to its end of terrace location, views of the side of the proposed extension would be possible down the adjacent access road and from the access road itself.
6. The proposed gap between the buildings would remain the same at ground floor level. However, the prominent width of the proposed extension would reduce this gap at first floor and second floor levels to the detriment of its current spacious nature. The reduction in the space between the buildings, and its visibility from the streetscene and those using the access road, would result in a visually intrusive and cramped form of development which would not protect or enhance the character or appearance of the Conservation Area in which it is located.
7. The height of the proposed extension would be consistent with the host building and other three-storey structures in the surrounding area. However, unlike the proposed first and second floors, the proposed third floor would be set back from the side boundary of the site which would reduce the visual impact from the streetscene and help to maintain the spacious nature between the buildings at this level.
8. It is noted that planning permission¹ was granted in November 2021 for a two-storey extension on the appeal site which is similar to the appeal proposal. However, the appeal proposal is both greater in height and width than the consented scheme, with a greater overall massing. Therefore, the impact upon the character and appearance of the Conservation Area would be vastly different to the consented scheme.
9. Consequently, the proposed development would not preserve or enhance the character or appearance of the Beckenham Town Conservation Area. It would therefore conflict with the relevant sections of Policy HC1 of The London Plan (2021) and Policies 4, 6 and 8 of the London Borough of Bromley Local Plan (2019). Amongst other things, these policies collectively seek to ensure that new development proposals affecting heritage assets, and their settings, should conserve their significance by being sympathetic to the assets' significance,

¹ 21/04386/FULL1 (the consented scheme)

complimenting the qualities of the surrounding area and respecting existing space or gaps between buildings where these contribute to the character of the area. Policy D4 of The London Plan (2021) is not relevant to this main issue, as it relates to general design principles only.

10. Due to its location to the rear of the host building, the harm found from the proposal is relatively small and therefore, having regard to the Framework, the harm to the significance of the Beckenham Town Conservation Area is less than substantial. The Framework requires, where there would be less than substantial harm, for it to be balanced against the public benefits of the scheme.
11. The main public benefit from the proposed development would be to make efficient use of the land through the provision of an additional dwelling, at a time when the Council have stated that there is a significant shortfall in the 5-year housing land supply within the area. With only a 3.99 year supply recorded in November 2021. However, as the proposed scheme is limited to one additional dwelling, this is given minimal weight. Moreover, while the framework advocates granting planning permission where there are relevant out of date policies, this is unless, in accordance with paragraph 11(d)(i), the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. I consider that the 'less than substantial harm' identified to the character and appearance of the Conservation Area is such that the policies in the Framework relating to heritage assets provide that clear reason for refusing the development. Therefore, this would not weigh in favour of the proposed development.
12. It has also been stated that the proposed development would be a modern structure which would reduce the carbon footprint through sustainable design compliance. However, no evidence has been provided to support these claims and therefore this can only be afforded limited weight. No additional public benefits have been outlined by the appellant. Therefore, the public benefits of the scheme would not outweigh the less than substantial harm to the heritage asset previously identified.

Living Conditions – Neighbouring Occupiers

13. Although included within the original reasons for refusal, in its appeal statement the Council have withdrawn its objection relating to the impact of the proposed development on the living conditions of the occupiers of the neighbouring buildings in relation to daylight and sunlight, after receiving a daylight and sunlight report for the consented scheme.
14. The proposed development would be sufficiently separated from the windows on the side elevation of the neighbouring building to the west of the appeal site (134 High Street). Therefore, the daylight and sunlight which they receive would not be harmed. Furthermore, although closer to the proposed development, the windows in the side elevation of the building to the east of the appeal site (128/130 High Street) would be located perpendicular to the proposed extension with the window closest to the proposal confirmed to be serving a non-habitable room. Therefore, I also do not consider that the proposed development would significantly impact the daylight or sunlight which these windows receive.

15. As such, the proposed development would not harm the living conditions of the occupiers of the neighbouring buildings and would not conflict with the relevant sections of Policy D3 of The London Plan (2021) or Policy 37 of the London Borough of Bromley Local Plan (2019). Amongst other things, these policies collectively seek to ensure that new development delivers and respects the amenity of the occupiers of neighbouring buildings ensuring they are not harmed by inadequate daylight and sunlight. Policy 4 of the London Borough of Bromley Local Plan (2019) is not directly relevant to this main issue as it does not relate to the impact of development on neighbouring occupiers.

Living Conditions – Future Occupiers

16. Policy D6 of The London Plan (2021) states that a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings. The proposed studio flat, to be occupied by 1 person, provides an outdoor space of only 2m² in the form of a balcony. Therefore, it does not meet the requirements of this policy. However, although small, this outdoor space would be a sufficient area for the level of accommodation and number of people it would serve. Furthermore, the appellant has highlighted a nearby outdoor public space in close proximity to the appeal site, which could be easily accessed and used by the occupants in addition to the balcony.
17. Therefore, although the proposed development would not comply with the standards for outdoor space outlined in Policy D6, the proposed development would still provide satisfactory living conditions for the future occupiers of the proposed studio flat in relation to this. It would therefore comply with the relevant section of Policy 4 of the London Borough of Bromley Local Plan (2019) which seeks to ensure that new development provides sufficient external private amenity space that is accessible and practical.

Other Matters

18. The appellant has brought to my attention a number of developments which have been granted planning permission and which they consider set a precedent for the appeal proposal. Although these all include three-storey rear extensions to existing buildings providing additional residential units, they are not located within the Beckenham Town Conservation Area. Therefore, they will have been assessed differently to the appeal proposal before me and do not set a precedent for the development proposed.

Conclusion

19. Although the proposal would not harm the living conditions of the occupiers of the neighbouring properties and would provide satisfactory living conditions for the future occupiers, it would not preserve or enhance the character or appearance of the Beckenham Town Conservation Area. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR