



Appeal Decision

Site visit made on 23 August 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 SEPTEMBER 2022

Appeal Ref: APP/G5180/W/21/3289553

87-89 High Street, Beckenham, BR3 1AG

- 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 London Borough of Bromley.
 - The application Ref DC/21/02727/FULL1, dated 27 May 2021, was refused by notice dated 23 September 2021.
 - The development proposed is described as two storey side extension, new Shop Front/Side and conversion of the whole first and second floors into flats with amenity space, bike, and bin store on the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, with due regard to the location of the site in the Beckenham Town Centre Conservation Area (CA); and
 - the effect of the proposed development on the living conditions of occupiers of neighbouring properties with regard to privacy, outlook, light, noise, and disturbance.

Reasons

Character and appearance

3. The appeal property is prominently located on the corner junction of the High Street and Fairfield Road. It forms the end of a terrace of four, three storey buildings. The similar proportions, pattern of fenestration, architectural detailing and materials emphasise a strong sense of uniformity across the terrace. The appeal property's feature corner bay windows mirror the bay windows at the property on the opposite end of the terrace (No. 99-101 High Street) and truncate the terrace with pleasing symmetry. A photograph supplied by the Council illustrates that the terrace has remained relatively unaltered over the last century. The submitted floor plans show that the basement, ground and first floors are in restaurant use, whilst the top floor is used as a self-contained flat.
4. As the proposal is in a CA, I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in

section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

5. The Beckenham Town Centre Conservation Area Statement (2020) identifies the CA as the historic core of Beckenham which provides various commercial uses on the High Street, within a mix of building styles dating from the 19th and 20th centuries. The character of this part of the CA and its significance stems from, amongst other aspects, the narrow urban plots with grand terraced developments which are predominantly 3-4 storeys in height, providing commercial uses on the lower levels and often residential uses on the upper floors. The buildings generally display features characteristic of their period such as bay windows and decorative brickwork and lintels above windows. The Conservation Area Statement also identifies the organic development and historic nature of the town centre which ensures glimpses of the various church spires are often visible, whilst some of the better individual buildings on the High Street contribute to pleasant streetscapes. With its symmetrical appearance, when viewed as part of the wider terrace, its attractive corner bay window features and original timber sash windows, the appeal site positively contributes to the significance of the CA.
6. The appeal property has previously been extended to the side at ground floor level only. Given the low height of this addition it has minimal visual impact. In contrast, the proposed three storey side extension, which would align with the existing front elevation, would add significant width to the building, critically altering the building's proportions and pattern of fenestration. As a result, the symmetry of the wider terrace which the appeal property sits within would be disrupted and the additional width and bulk of the property would appear at odds to neighbouring buildings within the terrace. Whilst the extension would have a gable roof to match the existing building and could be constructed with materials to match those used in the existing building, this would not overcome the harmful impact the side extension would have on the property's proportions.
7. The upper floors of the appeal property are currently set-back from Fairfield Road. The side extension would harmfully alter the sense of space around this elevation, slightly reducing views from the High Street towards the locally listed buildings of Christ Church Halls and Christ Church, whilst creating a cramped form of development.
8. The rear of the terrace is defined by pitched or hipped roofs within the main roofline and lower mono-pitched roofs above subservient rear projections. The addition of a hipped roof extension which would adjoin the main roofline, would create a bulky and uncharacteristic addition. Similarly, the proposed arched windows and openings on the side and ground floor front elevation would not relate to any of the commercial buildings fronting the High Street, and as a consequence, would appear incongruous and prominent in views along the High Street from the east.
9. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area and would fail to preserve the character and appearance of the CA as a whole. I therefore find that it conflicts with Policies 4, 8, 37, 41 and 97 of the Bromley Local Plan (2019) (BLP) and Policies D3, D4 and HC1 of the London Plan (2021) (LP). Amongst other things, these policies seek to ensure that the historic

environment is safeguarded from harm, the value and significance of conservation areas are maintained, and new development is of a high standard of design which respects local character.

10. In failing to preserve the character and appearance of the CA, I find that the proposed development would, in the words of the National Planning Policy Framework (the Framework), result in less than substantial harm to the significance of a designated heritage asset. In such circumstances, less than substantial harm should be weighed against the public benefits. It has been put to me that the building is currently under-utilised, that the appeal proposal would optimise the use of the site and that the principle of residential development within this accessible location is acceptable. The proposed development would provide three additional windfall dwellings which would contribute to the under-supply of housing in the borough. Be that as it may, the modest scale of the proposed development leads me to consider that the public benefits would be limited. The benefits do not therefore outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets. The proposed development therefore conflicts with the provisions of the Framework in relation to conserving and enhancing the historic environment.

Living conditions of neighbouring occupiers

11. The existing flat within the appeal property is already accessed from the rear, albeit the current access is located away from the adjoining property. The new proposed access stair and walkway, which will be used by residents of each of the four flats on the upper floors, would pass within very close proximity to the first-floor rear window of the flat within the adjoining property. No screening is proposed to restrict views from the stairs and walkway. As a result, anyone entering the proposed flats would have direct views into this residential window from close proximity. This would create an unacceptable loss of privacy for the neighbouring occupiers.
12. Notwithstanding the loss of privacy from the proposed access to the flats, given the town centre location, the additional noise related to the coming and goings of residents of the three additional flats is unlikely to cause significant noise disturbance to the occupiers of the neighbouring residential properties.
13. The second-floor rearward extension would project beyond the first and second floor rear windows of the adjoining residential property. However, given the separation distance, limited rear projection and oblique angle from the affected windows, the extension would have minimal impact on the neighbouring residents' outlook. The affected windows primary aspect is southwards, and they currently enjoy relatively unrestricted southernly daylight throughout the day. Whilst the second-floor extension may result in a slight reduction in morning sunlight, given the distance, limited additional projection and hipped roof design of the extension, I am not persuaded that the impact on light to the affected windows would be significant.
14. The Council has not raised concerns about the size and location of the new ventilation duct. However, the Council consider that additional technical information related to the carbon filtration system and details relating to the regular replacement of the filters should be provided. A high velocity cowl should be included within the design. Had the appeal proposal been acceptable, a planning condition could have been imposed requiring the necessary technical

details prior to the installation of the ventilation duct. This would have ensured that the ventilation duct would not harm the living conditions of neighbouring occupiers.

15. I have found that the neighbouring occupiers would suffer from a loss of privacy. Consequently, the proposed development would have a harmful impact on the living conditions of neighbouring occupiers. Therefore, in this respect, it would be contrary to Policies 37 and 97 of the BLP which requires that new development should not result in a loss of amenity to neighbouring residents.
16. The Council also alleges conflict with Policy 121 of the BLP. The policy is concerned with ventilation and odour control and ensuring that development proposals include details of an adequate ventilation system to prevent the escape of fumes. As I have found that the relevant details could be required by planning condition, I have not found conflict with this policy.

Other Matters

17. My attention has been drawn to examples of planning permissions for side extensions within Beckenham. The Council state, and it is not disputed by the appellant, that the listed planning permissions relate to extensions to self-contained houses outside of the Beckenham Town Centre CA, they are not therefore directly comparable. In any event, each case must be considered on its own merits.

Planning balance

18. The Council has confirmed that they cannot demonstrate a 5-year housing land supply. Therefore paragraph 11(d) of the Framework is engaged. However, the application of policies relating to designated heritage assets (in this case the CA) provides a clear reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

19. The proposal would harm the character and appearance of the area and the Beckenham Town Centre CA. It would also harm the living conditions of neighbouring occupiers. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, the appeal is dismissed.

B Pattison

INSPECTOR