
Appeal Decision

Site visit made on 13 September 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/G5180/D/22/3290223

75 Malmaison Way, Beckenham, BR3 6SF

- 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 John Ford against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/03134/FULL6, dated 21 June 2021, was refused by notice dated 11 November 2021.
 - The development proposed is a two-storey front extension, first floor side extension and conversion of an existing garage to habitable accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey front extension, first floor side extension and conversion of an existing garage to habitable accommodation at 75 Malmaison Way, Beckenham, BR3 6SF in accordance with the terms of the application, Ref DC/21/03134/FULL6, dated 21 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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 Block/Site Plan; OS Site Location Plan; Drwg Nos. AA/MW-75-01, AA/MW-75-02, AA/MW-75-05 and AA/MW-75-06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Park Langley Area of Special Residential Character ('the ASRC').

Reasons

3. The appeal property is a detached house in a well-established residential street of detached dwellings mainly of a similar age. The site is located within the Park Langley ASRC, an area designated due to its special and distinctive qualities having the character of a garden estate given by the quality and appearance of hedges, walls, fences and front gardens. It is recognised, through the designation, as representing a coherent, continuous and easily identifiable area which has maintained its character and unity intact.

4. The dwellings in Malmains Way vary in appearance, but all are generally large properties set back from the highway along discernible building lines in good sized gardens. Hipped roofs are a predominant feature, including at the appeal property and its immediate neighbours, and generally there are gaps of differing distance between dwellings and their respective side boundaries. There is a general feeling of openness to the fronts, and space between the sides of properties which is a defining characteristic of this pleasant street.
5. The size and design of the proposal is not a matter disputed between the main parties. However, the Council indicate that measurements taken on site show the gap between the side of the appeal property and its boundary with 73 Malmains Way is slightly less than 1 metre, and this separation is below that normally expected through Policy 8 of the London Borough of Bromley Local Development Framework Local Plan (January 2019) ('the Local Plan').
6. The extension to the side of the appeal property would be built directly above an existing single storey section of the house which may, as the Council indicate, be marginally closer to the side boundary than that distance normally expected by Policy 8 of the Local Plan. However, the proposal would maintain a reasonable degree of separation from the side boundary. A wide single-storey portion of No 73 is located close to the common boundary with the appeal property. Given the retention of a discernible gap to the side of the appeal property, which is generally consistent with those in the vicinity, and the relatively low height of the single storey part of No 73 close to the boundary, when seen in context, the proposed extensions would not appear out of character in the street or the ASRC as a whole.
7. The proposal would conflict with Policy 8 of the Local Plan because the space to the side boundary would be less than 1 metre. However, separation from the side boundary would be maintained and this would respect the characteristic arrangement of dwellings along Malmains Way. Accordingly, the proposal would be in conformity with Policies 6 and 37 of the Local Plan which require development to be compatible with its surroundings, and to make a positive contribution to its setting through high quality design which should respect spaces between buildings where these contribute to the character of the area. The proposal also conforms with Policy 44 of the Local Plan which seeks to ensure development respects, enhances and strengthens the distinctive qualities of the ASRC.

Conditions

8. The conditions I have set out are necessary in the interests of certainty to ensure commencement within statutory time limits, to specify the plans approved, and to ensure the character and appearance of the area is not harmed by the materials used in the development.

Conclusion

9. For the reasons given above I conclude that the development would accord with the development plan as a whole and therefore the appeal should be allowed.

David English

INSPECTOR