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# Appeal Decision

Site visit made on 18 October 2022

**by Robert Naylor BSc (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 November 2022**

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**Appeal Ref: APP/G5180/W/22/3293737**

**20 Manor Road, Beckenham BR3 5LE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr and Mrs Spencer against the Council for the London Borough of Bromley.
  - The application Ref DC/21/05551/FULL1 is dated 25 November 2021.
  - The development proposed is described as "Demolition of existing detached garage, erection of a two storey side extension and 3 storey rear extension to replace the existing 3 storey section, enlargement of the existing rear dormer and erection of new side dormers to replace existing removed and installation of front and side rooflights, subdivision of existing house into 5 flats (2 x 1 bed, 2 x 2 bed and 1 x 4 bed) alongside new parking provisions, cycle parking and refuse storage."
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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing detached garage, erection of a two storey side extension and three storey rear extension to replace the existing 3 storey section, enlargement of the existing rear dormer and erection of new side dormers to replace existing removed and installation of front and side rooflights, subdivision of existing house into 5 flats (2 x 1 bed, 2 x 2 bed and 1 x 4 bed) alongside new parking provisions, cycle parking and refuse storage at 20 Manor Road, Beckenham, BR3 5LE in accordance with the terms of the application, Ref DC/21/05551/FULL1, dated 25 November 2021, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are the effects of the proposed development on the character and appearance of the surrounding area, and the living conditions of the adjoining residents with particular regard to outlook, privacy and proximity.

## Reasons

### *Character and appearance*

3. The appeal site is a large three storey semi-detached house of Victorian appearance located on the corner of Manor Road and Bevington Road in Beckenham. The surrounding area is residential and consists of several other large semi-detached Victorian houses many of which appear to have been converted into flatted properties. The proposal seeks to erect a two-storey side and three storey rear extension and roof extensions and convert the property into five flats with associated parking.

4. The appeal site is located outside the Beckenham Town Centre Conservation Area, and as such would have no impact on its character or setting. The surrounding area is characterised by large semi-detached Victorian properties, and whilst it is acknowledged that there is variation in both the materials and detailing, there is a distinct pattern and rhythm to the streetscene along Manor Road. The appeal site is an attractive and well-proportioned dwelling but is in itself largely unremarkable, with the main focus of interest in its value as part of the group fronting Manor Road. As a collective the frontages of this group of buildings contribute positively to the character and appearance of the area.
5. The appeal building forms a corner with Bevington Road meaning that the side and rear elevations and garden area of the appeal building, and those of neighbouring properties, are visible elements of the local streetscene. As such, whilst the design of the side and rear elevations are consistent with the front elevation, these are of more modest and functional appearance. The rear elevations of the appeal and neighbouring properties lack the architectural detailing of their front facades, some of which have had incremental alterations and additions, particularly at the ground floor level. This provides a varied character with differences in the scale of additions with a noticeable lack of coherence or symmetry.
6. The proposals include the alteration of the roof shape from hip to gable which would add to the bulk of the roof form and be visible from the Manor Road frontage. However, as most of this elevation would remain unchanged, this would represent a modest alteration to this elevation. Thus, any harm to the Manor Road streetscene would be limited.
7. The rear gardens along Manor Road are visible from public vantage points and provide a degree of spaciousness and breathing room within the surrounding suburban setting. The proposed additions at the rear of the site, are located amongst the existing built elements, and given the limited overall depth the additions would not look out of proportion or too large in relation to either respective host dwelling or the surrounding gardens. As a result, the proposed extension would not significantly undermine the open nature at the rear of the plot and would be compatible with local character and building proportions.
8. Nevertheless, the rear and side elevations would be substantially altered, with the most visible impacts experienced along Bevington Road. The appeal scheme would provide an increase in the built form and massing, replacing the rear three-storey central projection and providing an elongated gable feature at the roof level. Other corner properties in the area do exhibit large, and in some cases ornate additions at roof level along flank elevations, including Nos 32, 42 and 44 Manor Road. Whilst some of these features maybe original, in this context the addition of a large gabled roof element and dormer window on a flank elevation would therefore not be out of keeping, nor appear as overdevelopment.
9. Furthermore, the appellant has sought to retain some of the original features and details that contribute to the interest of the property. These include the re-use of the sash windows, provision of red brick structural arches over windows and doors, and providing stone string courses. These features support the integration of the additional built elements and serve to limit harm to the local streetscene. The proposal would also be constructed to match the existing materials of the original house, and this could be secured by condition.

10. In regard to the demolition of the existing garage at the rear of the site and use for off-street parking, currently the area in front of the garage is already utilised for this purpose. Whilst the proposal would formalise this parking arrangement and would intensify the use for the additional flats created, there are other corner properties in the vicinity that also exhibit rear parking and the proposed arrangement would not cause any additional harm to the overall character and appearance of the area.
11. The proposal would not therefore harm the character and appearance of the surrounding area. As such, it would accord with the principles of Policies 4, 8, 9 and 37 of the Bromley Local Plan 2019 (BLP) and Policies D3 and D4 of the London Plan March 2021 (LP) which amongst other things, requires all new development to be design led, be of high quality and respect the host dwelling whilst being compatible with development in the surrounding area. The proposal would also comply with the National Planning Policy Framework 2021 (the Framework) insofar as it requires development to be sympathetic to local character, and also complying with the National Design Guide in regard to responding to existing local character and identity.

*Living conditions of the adjoining residents*

12. The proposed ground floor rear extension would be akin to the depth of the adjoining property (No 22) close to their shared rear garden boundary. The proposed depth together with the height of the existing close boarded fencing around the back garden, would ensure that the scheme would not cause overshadowing, overlooking or loss of privacy to the occupiers of this neighbouring property at ground floor level. The larger three storey extension at the rear has been set off, and away from, the adjoining boundary with No 22 and would replace the existing rear three-storey central projection at a similar depth. As such, set in this context it is unlikely to appear overbearing for the occupiers of No 22 or have a significant impact on overshadowing despite its southern aspect.
13. The proposal also includes Juliet balconies on the upper floors at the rear of the appeal site, which would overlook the garden at No 22 and also the flank elevation of 1 Bevington Road. I accept that there could be a perception of overlooking from these windows, however these properties already experience direct overlooking from the existing upper floor bedroom windows of the appeal property. In this context, I do not consider that the additional Juliet balconies proposed at first and second floor levels would result in significant harm.
14. The introduction of the 2 windows on the eastern side elevation at the first and second floors would face the adjoining property at No 22. However, they have been annotated as containing obscured glazing, and this would mitigate any direct and perceived overlooking. As such, this could be secured by way of a condition.
15. For the reasons above, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers of the adjoining dwellings with particular reference to overbearing or overlooking. The scheme would be compliant with LP Policy D6 and BLP Policy 37 which amongst other things, are concerned with housing quality and protecting residential amenity. The proposal is also consistent with the advice in the Framework, which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

## **Other Matters**

16. The principle of the scheme is not in dispute, however interested parties have raised concerns in respect to housing need, affordable housing, the tenure of properties and impacts on the wider community. The Framework requires a significant boosting of the supply of homes and the LP emphasises the importance of small sites in meeting housing needs. As such the proposal would make a small but valuable contribution to the provision of housing required by Bromley.
17. Several other matters have also been raised by interested parties and I have taken them all into account. These include parking, loss of green space, impact on trees and construction disruption. The Council consider these concerns can be mitigated through the use of conditions. I agree that these are necessary and have therefore included appropriate conditions. I have also considered issues relating to noise and pollution. However, whilst I take these representations on board, these are controlled through other regulations and I have not been presented with any compelling evidence that would lead me to a different overall conclusion.

## **Conditions**

18. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary for the sake of consistency, brevity, clarity and to ensure that they meet the tests in the Framework.
19. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have also imposed a material specification condition prior to commencement to match the existing building in order to ensure an acceptable visual effect. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for a Construction Method Statement which is necessary to submit prior to the approved development commencing.
20. I have also imposed conditions in order to ensure that there is appropriate refuse, recycling storage and cycle parking. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for the highway junction layout and off-street parking to be approved prior to occupation and maintained thereafter. I have also added that electric charging points are delivered to enable the use of electric vehicles to achieve sustainability objectives.
21. Finally, the scope for planting is limited within the appeal site. The need therefore to provide soft treatments to the garden area and the site boundaries should be provided to protect the character and appearance of the area. For this reason I have also added conditions to ensure the protection and retention of trees.
22. I have not imposed a condition relating to car club membership as this, in my view, would not pass the tests of being reasonable or necessary. Nor have I imposed conditions on noise insulation, noise from plant and machinery during construction, details of surface water drainage, designing out crime or the emissions of gas-fired boilers, as it has not been adequately explained by the

Council, that other existing regulations and controls do not satisfactorily deal with these matters. As such, those suggested conditions are unnecessary.

**Conclusion**

23. For the reasons given I conclude that the appeal should succeed.

*Robert Naylor*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not 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: LP001 Rev A; D001 Rev B; D002 Rev B; D003 Rev B; D004 Rev B; D005 Rev B; D006 Rev B; D007 Rev B; D008 Rev B; D009 Rev B and D010 Rev B.
- 3) No development shall take place, including any works of demolition, until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No part of the development hereby permitted shall be occupied until space has been laid out within the site in accordance with drawing no. D001 Rev B for the refuse and recycling facilities and for bicycles to be parked and that space shall thereafter be kept available for the refuse and recycling facilities and the parking of bicycles.
- 6) No part of the development hereby permitted shall be occupied until details of the junction between the proposed parking area and the highway shall have been submitted to and approved in writing by the local planning authority; and the junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.

- 7) No part of the development hereby permitted shall be occupied until car spaces have been provided in accordance with drawing no. D001 Rev B and thereafter shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 8) No part of the development hereby permitted shall be occupied until the upper floor flank windows adjoining 22 Manor Road have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 9) No part of the development hereby permitted shall be occupied until at least 2 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32-amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The charging provision shall thereafter be permanently retained as such.
- 10) No part of the development hereby permitted shall be occupied until details of the treatment of the front garden area and of all boundaries have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the occupation of the dwelling hereby permitted or within timescales previously agreed in writing by the local planning authority and retained thereafter.
- 11) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 12) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with condition 11, at such time as may be specified in writing by the local planning authority.