



Appeal Decision

Site visit made on 16 November 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16th December 2022

Appeal Ref: APP/G5180/W/22/3300297
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 the Council of the London Borough of Bromley.
 - The application Ref : DC/21/05525/FULL1 dated 24 November 2021, was refused by notice dated 8 March 2022
 - The development proposed is First and second floor side and second floor rear extension to allow conversion of first and second floors into 4 flats (1 x 2-bed, 3 x studio) with new rear access to flats and bin and cycle storage at rear, alterations to existing side/rear ground floor/shopfront, and new ventilation extraction duct to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the progress of the appeal, an earlier appeal on the same site, for a two storey side extension and conversion of first and second floor into flats was issued under the Ref: APP/G5180/W/21/3289553. The Council has provided me with a copy of that decision and the relevant plans. The appeal was dismissed; the Inspector found that the scheme before him would not preserve the character and appearance of the Conservation Area and would harm the living conditions of the neighbouring residents.
3. In the light of that previous appeal decision, the Council has advised in its Statement of Case that it no longer wishes to pursue their concerns relating to noise and disturbance to adjoining residents and in respect of the proposed ventilation ducting. From my site visit and all the information before me, I have no reason to take a different view and will not consider these matters further. Were no other matters of concern and planning permission were to be granted, the necessary technical details for the ventilation ducting could have been required through the imposition of an appropriate condition.

Main Issues

4. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing building and on the Beckenham Town Centre Conservation Area, and

- b) The effect of the proposal on the living conditions of surrounding residents with particular regard to overlooking and loss of privacy.

Reasons

Issue a) Character and Appearance and Conservation Area

5. The appeal property is a three storey end of terrace property with basement on the southern side of the High Street, and the building has a single storey, flat roofed extension along its eastern side. The submitted plans show that the building comprises a restaurant at ground floor with some basement seating, ancillary restaurant accommodation at first floor and a two bedroomed flat at second floor level.
6. The proposal would, together with other alterations, build over the existing side extension to add a first and second floor under an extended dual pitched roof to create a larger restaurant space at ground floor and a total of four flats over the first and second floors. The design would incorporate enclosed amenity space for each of the four flats. Access to the four flats would be taken from the rear off the service area serving the appeal property and adjoining buildings.
7. The property sits in a prominent location on the corner of the High Street with Fairfield Road and within the designated heritage asset of the Beckenham Town Centre Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
8. The significance of the Conservation Area relates to the historic core of the commercial centre of Beckenham and includes a variety of buildings dating from the Victorian period onwards. The appeal property is part of a terrace of four properties, all with retail uses at the ground floor and commercial and residential uses on the upper floors. The existing building shares a number of similarities with the adjoining three properties in terms of their frontage width and proportions as well as overall design, window detailing and materials, and the terrace wraps around a curve in the High Street. I agree with the Council that the terrace presents an attractive and generally well preserved example of later Victorian/early Edwardian architecture and makes a positive contribution to the town centre and to the significance of the Conservation Area.
9. I have taken into account the existing single storey extension to the side of the building, but given its single storey form, it does not detract from the overall proportions of the building and composition of the terrace. In comparison, the proposed extension to create a three storey flank elevation would create a noticeably wider and bulkier building. It would appear very dominant in the street scene and would result in an unbalancing of the proportions of the existing building and the terrace. It would also be visually intrusive in views down Fairfield Road towards the High Street. Furthermore, it would significantly reduce the attractive views from the High Street along Fairfield Road towards Christ Church.
10. The appeal proposal has sought to replicate the materials and design detailing on the front elevation and as it turns the corner into Fairfield Road, but this does not override the harm from the change in proportions to the overall form

of the building. Whilst I understand the objective to include some amenity space for the future residents of the proposed flats on the upper floors, I agree with the Council that the shape and form of the openings would introduce a visually incongruous feature in relation to the more traditional proportions and form of the existing openings within the existing building and the terrace taken as a whole. They would be particularly visible when approaching the building along the High Street from the east or along Fairfield Road.

11. I therefore conclude that the proposed development would harm the significance of the Conservation Area. It would therefore not preserve the character or the appearance of the Beckenham Town Centre Conservation Area. This would conflict with Policies D3, D4 and HC1 of the London Plan 2021 and Policies 4, 8, 37, 41 and 97 of the Bromley Local Plan 2019 as well as the National Planning Policy Framework (Framework) and in particular Section 16 all of which, amongst other matters, seek a high quality of design which protects the local context and the significance of heritage assets.
12. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use. It is my conclusion that the proposal in harming and failing to preserve the character and appearance of the Conservation Area would result in less than substantial harm to the designated heritage asset.
13. Turning to the public benefits, the scheme would result in a net addition of three residential units in a sustainable location and which would make a modest contribution to the current undersupply of housing in the local area. The Appellant has argued that the existing building is under-utilised but there is nothing before me to suggest that the current proposal would be the only way in which a more efficient use of the building could be achieved.
14. Paragraph 199 of the Framework is clear that great weight should be given to the conservation of a designated heritage asset. The three additional units would be a modest benefit but in the particular circumstances of this case they do not outweigh the harm I have identified to the character and appearance of the Conservation Area.

Issue b) Living Conditions

15. The proposed new entrance to the flats would be sited immediately adjacent the first floor rear window within the adjoining building at Nos 91- 93. This arrangement would be uncomfortably close and lead to concerns regarding overlooking and loss of privacy for the existing occupants of that neighbouring building. This would conflict with Policies 37 and 97 of the Bromley Local Plan and the Framework and in particular paragraph 130 f), both of which amongst other matters seek a high standard of amenity for existing and future occupants.

Other Considerations and Planning Balance

16. The Appellant has drawn my attention to a number of other decisions by the Council granting permission for developments, most of which appear to relate to side extensions in respect of residential dwellings. Each proposal must be considered on its individual merits but in so far as the details have been

provided to me, I have taken them into account. However, the existence of a number of permissions to allow side extensions over more than one floor, including in respect of residential dwellings, does not persuade me to a different conclusion in this case, given the harm I have concluded.

17. I have referred earlier to the recent appeal decision on the same site. As indicated above each proposal is considered on its individual merits and I have taken into account the design changes from that earlier scheme. However, I find nothing in that decision letter which contradicts the assessment I have reached in respect of this appeal.
18. The Council has confirmed that it cannot demonstrate a five year housing land supply and as a result Paragraph 11 d) is engaged. However, following the provisions of that paragraph under Paragraph 11 d) i and Footnote 7, the application of policies relating to designated heritage assets, which includes Conservation Areas, provides a clear reason for refusing permission for the proposed development. As a result, and in the case, the presumption in favour of sustainable development does not apply.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR