



Appeal Decision

Hearing held on 2 March 2023

Site visit made on 2 March 2023

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/G5180/W/22/3311376

The Lodge, Southend Road, Beckenham, Kent BR3 1SE

- 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 Robert Grant against the decision of London Borough of Bromley.
 - The application Ref DC/22/01070/FULL1, dated 7 March 2022, was refused by notice dated 17 May 2022.
 - The development proposed is demolition of existing building and redevelopment of the site to provide 6 self-contained dwellings (Use Class C3) and associated landscaping, car parking, cycle parking, access and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal follows the recent refusal of permission and dismissal at appeal for a development comprising 8 dwellings in a similarly designed 4 storey building with 5 parking spaces (Ref. DC/19/05347/FULL1 and APP/G5180/W/20/3257594). Permission has also been refused and twice dismissed at appeal for earlier redevelopment proposals at the time of previous development plan regimes. The findings of these appeal decisions are material considerations in the determination of the current appeal.
3. The appeal is accompanied by a Unilateral Undertaking to preclude occupiers of the proposed building from obtaining parking permits in the controlled parking zone adjacent to the appeal site.

Main Issues

4. The main issues are:
 - (a) the Council's recent record on housing supply and the related planning policy implications,
 - (b) the effect of the proposal on the character and appearance of the Southend Road Conservation Area and the setting of Grade II Listed Buildings, and
 - (c) the adequacy of the parking arrangements, the implications for highway safety and measures to mitigate any adverse impacts.

Reasons

Housing Supply

5. Section 5 to the National Planning Policy Framework (the Framework) sets out the Government's objective to significantly boost the supply of homes and requires Councils to identify a five-year supply of deliverable housing sites. Bromley can currently demonstrate only a 3.99 year's supply of homes which is a significant shortfall.
6. The Council's Housing Delivery Test result for the years 2018-2021 is 89% against the target of homes to be supplied, amounting to an under-delivery of 155 units for 2021. This demonstrates a significant under delivery of housing over recent years and has mandated the creation of an Action Plan for 2022 to address the issue.
7. In these circumstances, the presumption in favour of sustainable development set out at Paragraph 11(d) of the Framework is engaged. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. This is sometimes referred to as the '*tilted balance*' and is a matter to which I shall return after consideration of the other main issues.

Character, appearance and heritage considerations

8. The appeal concerns the redevelopment of a corner site currently comprising a detached house and garage located towards the rear of the site in landscaped grounds. A tree preservation order dating from 1961 includes the site, but many present boundary trees would post-date this. There are historic walls, gate piers and gates at the site access wrapping around frontages to both Southend Road and Park Road; the Council intends to add these to its local list of non-designated heritage assets.
9. The site is located at the northern end of the Southend Road Conservation Area (SRCA) which whilst small has a diverse character. To the east of the appeal site are two Grade II listed gatehouse lodges either side of the entrance to Beckenham Park Place. Southend Road would appear to have been diverted between the lodges and the appeal site to provide privacy for Beckenham Park Place, resulting in the present bend in the road.
10. The walls and gates at the entrance to the appeal site were formed as an entrance to 'The Abbey', a preparatory school, the grounds to which have since been redeveloped to form the Abbey Park Estate. But an area of land incorporating original Abbey School lodges and a lawn were set aside to form 'The Lodge', the appeal site, together with the retained walls, gates and access drive.
11. To the eastern side of Southend Road are a row of large Italianate semi-detached villas whilst to its western side to the south of the appeal site is South Park Court, an attractive four storey mansion block dating from the 1930s. These buildings are set back from road frontages enabling provision of landscaped grounds. The appeal site also has a verdant appearance with trees to both road frontages supplemented by street trees in Park Road.

12. The significance of the SRCA therefore relates to a combination of the historic association of its oldest buildings, the grandeur of more recent buildings and the sylvan setting of several sites and adjacent areas. The Supplementary Planning Guidance Note for the Southend Road Conservation Area (SPG) comments that the buildings provide a ready illustration of the complete transformation of Beckenham and that the mature garden trees that front the highway make an important contribution to the conservation area.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires in respect of any land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of the Act requires special regard to be paid to the desirability of preserving the setting of listed buildings. Policies 38 and 41 of the Bromley Local Plan (2019) (BLP) and Policy HC1 of the London Plan all reflect these aims.
14. The existing dwelling on the site has an 'Arts and Crafts' design with hipped roofs which is not replicated elsewhere in the SRCA. The building is also largely screened from public viewpoints by boundary vegetation. It makes a neutral contribution to the character and appearance of the conservation area. I concur with the parties that there would be no objection to the principle of its replacement. In my judgement, however, the site as a whole makes a positive contribution to the character and appearance of the conservation area in relation to its historic front boundary walls and gates, which are open to public view, and from the trees bounding the site which enhance the site's appearance and the setting of the listed gatehouse lodges opposite.
15. The proposed building would be similarly sited and designed to that dismissed at the last appeal but would be arranged over 3 floors as opposed to 4 floors. Its height and massing would therefore be reduced and would better relate to the scale of adjacent 3 storey developments, Park Keep to the west and to Sandgate House to the north, both within the Abbey Park Estate. The replacement building would still be higher and have a greater mass than the existing building. It would be closer to and a little forward of Park Keep but its gable ends would nonetheless relate well to the Abbey Park Estate buildings.
16. But its deep roof form and proposed front and rear gables would be less complementary to adjacent building and more reflective of development within the wider suburban area than of the SRCA as would the balconies. In my judgement, the balconies in the front south-eastern corner would be a weak design feature, projecting well-beyond the framing of the building. As these balconies would be the most conspicuous feature of the building when observed from the site entrance, they would not enhance the building's appearance, nor its conservation area setting.
17. The front garden to 'The Lodge' provides a generous landscaped setting for the existing building with parking contained towards the rear of the site where there is a garage. The front garden is in keeping with the scale and nature of front gardens that contribute positively to the SRCA and adjacent Abbey Park Estate. Whilst several sites within the SRCA include front garden parking, South Park Court opposite the site and the adjacent sites in the Abbey Park Estate have parking areas to the rear enabling the provision of generous landscaped front garden areas. The appeal site is viewed more in the context of these sites than those along Southend Road with frontage parking.

18. Previous appeal decisions at the site have criticised the erosion of its front garden through proposed parking arrangements and provision of excessive hardstanding areas. The current proposal includes a reduction in the number of parking spaces from 5 to 2 and an adjustment in the siting of the hardstanding area to create a larger green area in front of the western half of the proposed building. Notwithstanding this, the current proposal would still include a substantial hardstanding area to provide an access drive and turning area in addition to the parking spaces. The provision of 'grasscrete' as a surface area has the potential to soften the hardstanding's appearance to a limited degree but would not screen the presence of parked cars in front of the building.
19. At present, public views of the front garden are largely screened by boundary fencing and vegetation above this. The proposal is to replace the fencing with 'Rondo' style railings set between brick piers which would allow views into the site from the public footways. To the Park Road frontage inside the present fence is a row of poor-quality cypress trees, referred to as group G1 on the appellant's tree survey, supplemented by 2 better sycamore trees. The appellant's site plan indicates that G1 would be removed but the sycamores retained. If this were to take place, the proposed front garden treatment would be clearly visible to pedestrians on Park Road. If the cypress trees in G1 are retained, their lower unsightly branches hidden by the fence would be revealed through the railings, but the screening quality of the row would be retained. In view of their poor quality, the long-term landscaped appearance of the site would be enhanced by their replacement with new planting. The proposal does not include a detailed landscape plan including new planting; approval of this could be the subject of a planning condition if the appeal were to be allowed. But without this detail, there is some uncertainty on views into the site.
20. In long views northwards along Southend Road within the SRCA, it is the listed gatehouse lodges that provide a focal point. In closer views the appeal site is seen within their setting, particularly the entrance walls and the Southend Road frontage. The two sites are viewed together from positions on the south side of Park Road and from Foxgrove Road to the east. It is the entrance walls and landscaped setting of the appeal site that are also most noticeable from these positions. There are two splendid cedar trees on the Southend Road frontage and lesser trees towards the site entrance. If these were to be retained and supplemented as appropriate with new planting, the tree screen would largely conceal the proposed building, now reduced to 3 storeys, compared with the previous proposal. The building would be glimpsed through the site entrance at the road junction, but given its separation from the site's eastern boundary, there would be no material adverse effect on the setting of the listed lodges.
21. The present boundary fences provide a plain, neutral foil to both the listed lodges and the stone walls and entrance gates to the appeal site. The proposed railings and brick piers would result in a more assertive and urban appearance that would compete with the retained historic walls to the appeal site.
22. I have noted the analysis in the appellant's Design and Access Statement and resubmitted Heritage Assessment, but do not agree with their conclusions. My findings are that the proposal would not preserve or enhance the character and appearance of the conservation area in relation to the harm that would arise through the extensive hard surfaced areas within the front garden, weaknesses in the design of the proposed building and through the boundary treatment.

23. The proposal would thereby be contrary to Policies 4, 37 and 41 of the BLP and policies D3, HC1 and H2 of the London Plan which whilst seeking to optimise site capacity and the use of small sites, collectively require new homes to be well-designed, to respond to a site's context including the conserving and enhancing of the historic environment and heritage assets and the arrangement of off-street parking that is well integrated within the overall development design.
24. The proposed building would not be substantially higher than the existing building nor significantly closer to the listed gatehouse lodges. Moreover, it should be possible to retain much of the tree screening to the Southend Road frontage that presently screens the existing building. Notwithstanding changes to boundary enclosures to the Southend Road frontage, my finding is that there would not be harm to the setting of the listed buildings and therefore no conflict with Policy 38 of the BLP.
25. There would be harm to the significance of the SRCA through the conspicuous parking arrangements, prominent protruding balconies and in the boundary treatments. In my judgement, the harm would be less than substantial. In these circumstances, Paragraph 202 of the Framework requires the harm to *"be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*. Paragraph 199 of the Framework affirms that *"great weight"* should be given to a designated heritage asset's conservation when a development proposal impacts upon that asset's significance. I return to this matter in the planning balance below.

Parking and highway safety

26. Two parking spaces are proposed for the six flats. Policy T6.1 of the London Plan specifies a requirement of 0.5 – 0.75 spaces per dwelling for Outer London with a PTAL of 4. This would indicate a range of between 3 – 4.5 spaces would be required for the proposal, and therefore that there would be a shortfall, albeit that the standards are expressed as a maximum.
27. In assessing any harm likely to arise from the shortfall, it is relevant to note the site's proximity to Beckenham town centre where there is a range of shops and other services and good public transport connections by bus, rail and tram at Beckenham Junction. These factors may reduce reliance on cars and for some occupiers at the site the consequent need for a parking space.
28. The site is located within a controlled parking zone, but I have no information on the extent of demand for off-street parking spaces in the site's vicinity. The appellant's unilateral undertaking would preclude future occupiers from obtaining on-street parking permits. In my opinion, the shortfall in on-site parking provision would be more likely to be mitigated if future residents were able to apply for a parking permit.
29. The Council contends irrespective of the proposed parking arrangements that more than 2 cars would be likely to park on site either on the extensive hardstanding for manoeuvring or on the grassed area alongside the proposed spaces. At the Hearing there was some discussion on how a planning condition requiring approval of a plan of kerbing could mitigate such overspill parking. Notwithstanding implementation of a kerbing plan, in the long-term, I consider it likely that on-site parking would spread beyond the specified spaces in view of the overall parking shortfall.

30. At the Hearing, the appellant stated that in recent years 2 cars had typically been parked at the site in relation to use of the existing building. The appellant's statement comments that the existing parking area provides a total of 5 off street parking spaces. Whilst there would be room for 5 cars at the back of the site, including the garage, the resultant layout would be more suited to a shared space by a single household rather than independent use by separate households.
31. The existing access is located on to Park Road about 8m from its junction with Southend Road. This is a five-way junction with Beckenham Park Place and Foxgrove Road. Traffic flows are heavy along Southend Road. There are waiting restrictions immediately outside the appeal site and a yellow box junction on the opposite side of Southend Road by Foxgrove Road. Personal injury data collected by the Council for the 36-month period up to August 2022 indicates 10 accidents involving cars, 2 of which were serious, and that all were close to the appeal site and attributable to driver error and confusion at the junction.
32. For vehicles exiting the site, visibility for pedestrians on the adjacent footways is constrained by the height of the wall columns and the curvature of the historic walls. The appellant has submitted a site plan that would realign the footway in Park Road over part of the grass verge. This would improve pedestrian visibility for vehicles exiting on to Park Road.
33. The vehicular access to the appeal site is not optimally located so close to a busy and complicated road junction. It would be unlikely to be favoured as a new access in relation to current highway standards. But it is an existing, lawful and long-standing access. From the evidence available to me, the proposal for just 2 parking spaces would not result in an intensification of the use of the access compared with the historical use of the site. This would also be a significantly less intense use of the access in relation to the 5 parking spaces for 8 flats in the previous appeal.
34. As the proposal on face value would not result in an intensification of the use of the access, there would not be conflict with Policy 32 of the BLP which requires there not to be a significant adverse effect on road safety. Similarly, there would not be conflict with Policy T4 of the London Plan which requires development proposals to mitigate impacts on the road network and to not increase road danger.
35. However, I have also found that the proposal would be deficient in parking spaces in relation to current parking standards and that the proposed parking layout would be vulnerable to additional informal parking. It would be possible to include a planning condition requiring approval of kerbing and other measures to limit the number of parking spaces to just 2, but I am sceptical on how readily this could be enforced in the long-term. Any significant increase in regular parking spaces on the site could result in an intensification of the use of the access which would be harmful to road safety and contrary to development plan policies. Moreover, I have found against the currently proposed parking arrangements with respect to their impact on the conservation area.

Planning balance

36. The proposal would result in a net addition of 5 dwellings. This would be a social benefit and would make a modest contribution towards the Council's housing need. There would be economic benefits during the construction phase

and thereafter additional expenditure in the local economy. Redevelopment would also bring environmental benefits through a return to fuller use of a recently neglected site.

37. In view of the Council's current poor track record on housing delivery, the tilted balance at Paragraph 11(d) of the Framework is triggered. As such, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
38. Set against the proposal is the harm that would result to the character and appearance of the conservation area in relation to the siting and extensive hardstanding of the proposed parking area and to design aspects, particularly the prominent protruding front balconies. If the conifers in group G1 are to be removed, as in the proposal, then the site would become more open to public view from Park Road in addition to its visibility at the site entrance from where the balconies would be conspicuous.
39. As I have assessed the harm to the conservation area as "*less than substantial*", it is necessary to weigh that harm against the proposal's public benefits. These would primarily arise through the provision of the additional housing, a matter of considerable importance in local and national planning policies. The Council has raised no objection to the loss of the existing building and redevelopment of the site. It would therefore be plausible to bring forward an alternative proposal that would bring similar public benefits whilst addressing the concerns raised on the current and previous proposals.
40. Development of small sites in sustainable locations, such as the appeal site, can cumulatively make a significant contribution to meeting housing need. But each site and proposal need to be considered on their individual planning merits. There are particular constraints at the appeal site in relation to its contribution to a conservation area and its access arrangements. The harm to the conservation area would be long lasting. Paragraph 199 of the Framework confirms that "*great weight*" should be afforded to a designated heritage asset's conservation and significance even when the harm is "*less than substantial*". Furthermore, footnote 7 to Paragraph 11(d) cites "*designated heritage assets*" as one of the policy areas in the Framework that protect areas or assets of particular importance, and which could provide a clear reason for refusing a proposed development when the tilted balance is triggered.
41. Having considered all relevant factors, the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the proposal's public benefits when assessed against the policies in the Framework as a whole.

Conclusion

42. The proposal would result in a significant adverse effect on the character and appearance of the Southend Road Conservation Area. It would be contrary to relevant development plan and Framework policies relating to designated heritage assets. There are no material considerations that outweigh the harm I have identified. For the reasons given above the appeal should be dismissed.

Rory MacLeod

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Grant	Appellant and Home Owner
Alun Evans	Director ROK Planning
Will Foster	ROK Planning
Stephen Handforth	Heritage
Douglas Allen	Architect
Georgia Tuttu	ROK Planning

FOR THE LOCAL PLANNING AUTHORITY:

Catharine Leadbeater	Principal Planner, Bromley Council
Giles Atkinson	Counsel for Bromley Council

INTERESTED PARTIES:

None