



Appeal Decision

Site visit made on 21 November 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2023

Appeal Ref: APP/G5180/W/23/3324817

2 Foxbury Road, Bromley, Kent BR1 4DQ

- 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 Ms Georgia Edmonds against the decision of the Council for the London Borough of Bromley.
 - The application Ref DC/23/00179/FULL1, dated 13 February 2023, was refused by notice dated 4 May 2023.
 - The development proposed is the conversion of an existing first floor window, located in side elevation of property, to an external door together with the installation an external metal spiral fire escape & staircase.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing first floor window, located in side elevation of property, to an external door together with the installation an external metal spiral fire escape & staircase at 2 Foxbury Road, Bromley, Kent BR1 4DQ in accordance with the terms of the application, Ref DC/23/00179/FULL1, dated 13 February 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans.
 - 3) Details of a scheme to minimise sound vibration from the metal spiral fire escape and staircase shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved details shall be installed before the metal spiral fire escape and staircase is first used and shall be retained thereafter.
 - 4) The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and plans including colouring the metal staircase black.

Preliminary Matters

2. The description of development on the application form differs from that in the Council's decision notice although this does equate with the appeal form. I have used the Council's description as this is an accurate and succinct description of the development.

Main Issues

3. The main issues are the effect of the proposed staircase on the character and appearance of the area and upon neighbours living conditions.

Reasons

Character and appearance

4. Foxbury Road and Nichol Lane have a mixed character. The former being made up of London stock and red brick terraces with bay windows. Foxbury Road leads into Nichol Lane which is formed of mid-twentieth century terraces and three and four storey flat blocks. Some of these flat blocks are 'walk-ups' with external railings to elevated walkways.
5. A spiral staircase would not be a common feature in this residential area, particularly given that 2 and 2A Foxbury Road present as a pair of terraces as opposed to their actual horizontal division. However, the staircase is of a modest size, would be finished in black and is set against the backdrop of the existing building. It would be visible on this fairly exposed corner, but the mixed character of this area means it would not appear incongruous in this context. It would read as a simple functional structure to serve the upper floor of the building in the same manner as railings to the upper floors of the walk-up flats nearby. In this way it would respect the scale, proportion, form, layout and materials of adjacent buildings and be compatible with the area.
6. I have considered the need for additional landscaping to screen the staircase, but as I have found it to be acceptable in its own right, this is not necessary. Furthermore, such landscaping may erode the quality of the already fairly limited space available within the garden area.
7. I conclude that, subject to a condition ensuring the staircase is finished in a discrete black colour, it would not be detrimental to the character of the area. The proposal therefore complies with policies 6 and 37 of the Bromley Local Plan 2019 (BLP). These policies aim to protect the character and appearance of the area.

Living conditions

8. Access to the garden is presently taken by leaving the flat, proceeding along the street before entering the garden via a gate onto the street. The new staircase would shortcut this route. I appreciate this would introduce some activity from comings-and-goings between the first floor flat and garden. Moreover, the use of metal in the staircase construction may create some vibration or noise from footsteps or knocking on the staircase.
9. However, this would not be materially different to the use of the indoor staircase and proceeding from number 2 to the garden along the street. The metal material may have a propensity to create some noise or disturbance through its use. This would be no more than could reasonably be expected in a residential garden such as the use of metal play equipment or the like. I note that the staircase itself is only affixed to the small projecting balcony area to the top and to the ground. Therefore, any direct transfer of vibration to the ground floor flat should be minimised.

10. A condition can be imposed to provide details of the construction of the staircase to ensure it does not create undue disturbance when in use. I am satisfied this would mitigate any concerns from additional noise and disturbance particularly having regard to the residents of the ground floor flat.
11. I conclude the development would not harm the living conditions of neighbours and the development would comply with policy 37 of the BLP. This policy aims to ensure satisfactory living conditions for residents.

Conditions

12. I have imposed a general time limit condition and a condition to ensure adherence to the approved plans. A further condition requires a scheme of sound and vibration minimisation to be agreed by the Council. Finally, a condition on materials ensures the structure will be finished in black so that it does not appear excessively prominent in this corner location.
13. Condition 3 of the permission is a pre-commencement condition. The applicant has agreed to the imposition of this having regard to S100ZA of the Act.

Conclusion

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

Nick Bowden

INSPECTOR