



# Appeal Decision

Site visit made on 17 October 2023 by T Bennett BA(Hons) MSc MRTPI

**Decision by M Russell BA (Hons) DipTP MRTPI**

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

**Decision date: 7 December 2023**

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**Appeal Ref: APP/G5180/W/23/3321281**

**1-4 St Clare Court, Foxgrove Avenue, Beckenham BR3 5BG**

- 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 Edison Selimi against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/22/02614/FULL1, dated 24 August 2022, was refused by notice dated 17 April 2023.
  - The development proposed is the conversion of existing roof space into two 2-bedroom 3-person self-contained flats; raised ridge height with front and rear dormers, three flank rooflights, two pitched front and rear windows.
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## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Preliminary Matter

3. In the interests of accuracy and conciseness, the description of development used in the header above is based on that used on the Council's decision notice, which I note has also been adopted by the appellant on the Appeal Form.

## Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the Beckenham Place Park, Foxgrove Avenue and Foxgrove Road area of special residential character (ASRC).

## Reasons for the Recommendation

5. The appeal property is located on the eastern side of Foxgrove Avenue and within the ASRC. The road primarily consists of large, detached properties of varying but traditional styles and whilst there is some limited variation in roof type, hipped roofs are the prevailing roof form. Roof pitches on front projections also more often reflect the angles of the main roof. The general consistency in roof forms contributes positively to the character of the street scene and the distinctiveness of the ASRC.
6. The appeal property is double fronted, containing four flats and appears as two stories on the front elevation and three stories at the rear due to a fall in land levels. On the front elevation there are a pair of front projections with a tiled,

hipped roof. To the rear are two large projections with a hipped roof and small areas of crown roof. The hipped roof forms on the appeal building and their well-balanced, traditional aesthetic reflects the prevailing character of this part of the ASRC.

7. The proposal includes an increase in ridge height which in combination with the steep pitch of the proposed mansard style roof, would differ to neighbouring development and would appear as a bulky and dominant addition. The steep angle of the side roof planes would be further emphasised by the shallower pitch of the proposed twin gables on the front elevation. In addition, the contemporary style of these glazed gables would unduly draw the eye as a discordant feature, out of character with the mainly traditional architecture in the locality. Consequently, the proposal would not respect the general consistency of roof forms in the ASRC and would be an incongruous feature within the street scene.
8. I am aware that there is an extant permission at the appeal property for a roof conversion to create a single flat, with a small front dormer and two rooflights to the front elevation and with dormers to the rear<sup>1</sup>. The extant permission would increase the height of the roof ridge and eaves, similar to the appeal scheme and represents a realistic fallback position.
9. However, there are material differences. Whilst the extant permission includes larger front and rear dormers than the appeal scheme, the absence of glass in the front gables, coupled with the retention of the traditional hipped roof form and hipped front projections, does not replicate the harm I have identified with the appeal scheme as a whole and would be less conspicuous. Consequently, the fallback position of the extant planning permission would be less harmful to the character and appearance of the area and does not provide justification for the appeal proposal.
10. The appellant has drawn my attention to a number of other examples in the locality in support of the application. The building at Nos 5-8 St Clare Court has an increased eaves and ridge height similar to the appeal proposal. However, the roof in that instance retains the overall hipped roof form including to the front gables and is consequently more reflective of the prevailing roofscapes in the ASRC. The principal roof forms at Beverley House to the north of the site and Nos 9 to 10 St Clare Court are also hipped with the angle of their pitches reflective of the predominant character of the ASRC. I do not therefore find these schemes comparable to the appeal scheme before me.
11. The appellant refers to alternative roof forms at Nos 11 and 43 Foxgrove Avenue. I do not know the precise planning circumstances behind those examples. In any case, those limited examples do not persuade me that the proposal would reflect the overriding consistency in roof forms and more unifying characteristics of the ASRC.
12. Given the reasons above, I find that the proposed development would result in significant harm to the character and appearance of the ASRC. It would therefore conflict with Policies 6 (Residential Extensions), 37 (General Design of Development) and 44 (Areas of Special Residential Character) of the Bromley Local Plan (2019) which, amongst other matters, require that development

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<sup>1</sup> LPA Ref: 20/02385/FULL1

responds to its surroundings, delivers a high standard of design and respects, enhances and strengthens the special and distinctive qualities of ASRCs.

### **Other Matter**

13. The Council has raised no concerns in respect of the proposed flats according with the technical space standards and providing acceptable levels of outlook. From all I have read and seen, I would agree with this conclusion. However, this does not override the harm I have concluded as a result of the proposed roof changes.

### **Planning Balance and Conclusion**

14. The Council acknowledge that they are unable to identify a 5-year supply of housing land. In the circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."
15. The appeal proposal would boost housing supply in a sustainable location albeit, two additional dwellings would make a modest contribution to the provision of housing in the area. There would also be modest social and economic benefits both as a result of the development and any subsequent contributions towards services and facilities in the area from occupiers of the development.
16. However, I have found that the proposal would result in significant harm to the character and appearance of the ASRC. Therefore, the harm resulting from the proposal would demonstrably and significantly outweigh the modest benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole.
17. Consequently, the presumption in favour of sustainable development does not apply. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
18. For the reasons given above and having taken all other matters into account, I therefore recommend the appeal be dismissed.

*T Bennett*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

19. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*M Russell*

INSPECTOR