



Appeal Decision

Site visit made on 13 February 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Appeal Ref: APP/G5180/D/23/3329944

94 Barnfield Wood Road, Beckenham BR3 6SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs S Burrows against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01025/RECON2, dated 21 June 2023, was refused by notice dated 2 August 2023.
 - The application sought planning permission for the conversion of existing garage, first floor front/side and rear extensions, loft conversion incorporating an increase in roof height, elevational alterations and addition of attached garage) without complying with a condition attached to planning permission Ref 20/01025/RECON, dated 16 April 2021.
 - The condition in dispute is No 2 which states that:
The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.
 - The reason given for the condition is:
In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing garage, first-floor front/side and rear extensions, loft conversion incorporating an increase in roof height, elevational alterations and addition of attached garage at 94 Barnfield Wood Road, Beckenham BR3 6SX, in accordance with the application Ref: DC/20/01025/RECON2 made on 21 June 2023 without complying with condition number 2 previously imposed on planning permission Ref: 20/01025/RECON granted on 16 April 2021 by the Council of the London Borough of Bromley, but otherwise subject to the following conditions:
 - 1) [DELETED]
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (00)000 (Rev A 20/03/2023)
 - Proposed Site Layout Plan (02)120 (Rev C 07/05/2023)
 - Proposed Ground Floor Plan (02)100 (Rev A 22/01/2021)
 - Proposed First Floor Plan (02)101 (Rev C 07/06/2023)
 - Proposed Roof Plan (02)103 (Rev C 07/06/2023)
 - Proposed North and South Elevations (02)111 (Rev C 07/06/2023)
 - Proposed East and West Elevations (02)112 (Rev C 07/06/2023)
 - Proposed Daylight/Sunlight (02)114

- 3) The tree protection measures installed in accordance with the approved corresponding Tree Protection Plan and evidenced/approved under reference 19/04977/CONDIT shall not be removed, but shall be retained in situ until completion of the development and all materials and machinery have been removed from the site, unless otherwise agreed in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details and recommendations within the approved Arboricultural Method Statement.
- 4) The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and/or drawings unless otherwise agreed in writing by the Local Planning Authority.
- 5) Before the development hereby permitted is first occupied the proposed first floor windows in the flank elevation of the extensions shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window(s) shall subsequently be permanently retained in accordance as such.

Preliminary and Procedural Matters

2. This appeal relates to conditions forming part of a planning permission (LPA Ref: 20/01025/RECON) granted on 16 April 2021. That permission altered the approved plans for an earlier permission (LPA Ref: DC/20/01025/FULL6) granted on 18 May 2020, which had in turn allowed a "minor material amendment" to a planning permission (LPA Ref: 19/04977/FULL6) granted on 15 January 2020 for the alteration and extension of the appeal property. These various permissions are referred to by their month and year in the rest of this decision. I have included the original substantive description of development from the January 2020 permission in the banner heading and my formal decision above, so as to provide appropriate context for the new permission.
3. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issue

4. The main issue is the effect of varying the disputed condition on the character and appearance of the area.

Reasons

5. No 94 Barnfield Wood Road is a substantial detached house, set on a large and spacious plot. It is not clear to me when it was originally built, but it is evident that over the last forty years or so it has seen numerous proposals for extensions and alterations.

6. Barnfield Wood Road is within the Park Langley “garden suburb”. The original Edwardian core of Park Langley is a conservation area, though this lies some way to the north-west of the appeal property. Policy 44 of the 2019 Bromley Local Plan (“the BLP”) designates and seeks to protect Areas of Special Residential Character (“ASRCs”), among them the remaining part of Park Langley outside the conservation area which includes the appeal property.
7. The Park Langley ASRC is described in the BLP as having been “built sporadically between the 1920s and 1950s”, and “though not of the same exceptional standard” as the conservation area, nevertheless having “the character of a garden estate given by the quality and appearance of the hedges, walls, fences, and front gardens”. The BLP goes on to describe the ASRC as comprising “almost exclusively large detached two-storey family houses on generous plots”, and representing a “coherent, continuous and easily identifiable area, which has maintained its character and unity intact”.
8. Based on my observations during my site visit, Barnfield Wood Road sits comfortably within the BLP’s description of the ASRC. There is a stretch east of the appeal site where semi-detached rather than detached houses prevail on the north side of the road, while to the east the houses become noticeably larger and a bit more individualistic in their appearance. For the most part, however, dwellings along the road are broadly consistent in scale, and set to a more or less consistent building line.
9. At the same time, there is a huge variety of individual detailing. For example, roofs are hipped, gabled, catslide and crown, or combinations of those; two-storey canted bay windows are common, but there are also bows and square bays; many walls are finished in white render (often but not invariably set with “Tudorbethan” black-painted timbers), though brick (in shades of red, orange, brown or buff) crops up frequently, and tile-hung walls are also seen. This variety does not become wearing or jarring though, nor does it undermine the overall coherence of the area. Front gardens are of a good depth and, usually, pleasantly landscaped, which gives the area an open, spacious and leafy feel. There is an underlying quality to what is an obviously prosperous and desirable area in which most houses have been, and continue to be, well cared for.
10. Like most of the housing I saw in the area, No 94 is smart, attractive and well-maintained, but it is a very obvious exception to the broad coherence of scale among the houses on Barnfield Wood Road. Both the plot and the house itself appear to be somewhere in the region of twice as wide (perhaps even slightly more) as is typical along the street. The house is also set well behind the otherwise consistent building line; the principal front elevation is more or less in line with the rear elevations of the houses on either side. The projecting front garage does not appear to be a feature commonly found in the area, but because of the distance by which the house is set back on the plot it does not intrude into the streetscene.
11. The overall styling of the house might be best described as tending towards Georgian, or at least neo-Georgian, rather than reflecting the Arts and Crafts influences prevalent elsewhere in Park Langley, so there are differences of detailing. Even some of the materials are rare in the local context; the grey slate roof is unusual in an area overwhelmingly dominated by red and orange tiles. In short, the appeal property already sits well outside most of the prevailing characteristics of the area.

12. The January 2020 permission allowed for the conversion of an existing garage, extensions to the sides and rear of the first floor, increasing the height of the roof to accommodate a loft conversion, and the construction of the garage attached at a right angle to the front of the house. The May 2020 permission, among other things, allowed for an increase in the width of the building at its eastern flank, and the construction of a single-storey extension at the western side of the front elevation. The April 2021 permission included a crown roof to the garage rather than the hipped roof previously approved.
13. The works allowed by those permissions appear to be substantially complete. The appellants are now seeking permission for the construction of a first-floor extension projecting forward of the main elevation above the new garage, to create an ensuite bathroom and other facilities for the existing master bedroom. It would have a mansard-style sloped form with a flat semi-crown roof, and with dormer windows for the new bathroom set into the front and inward-facing side pitches.
14. I accept that constructing a mansard-style extension above the garage would be adding a further unusual feature to the building. Notwithstanding the variety of roof styles in the area, nothing before me suggests that mansards are a common feature of the ASRC; the appellants did not bring any to my attention nor, as far as I am aware, did I spot any in the vicinity during my site visit. All the same, uniqueness (if indeed that is what it would be) is not the same as harmfulness, particularly in the light of the appeal property's already considerable distinctiveness within the area.
15. While the siting of the extension would obscure views of the first floor of the eastern wing of the house, it would not be bulky in appearance, nor would it be so wide as to compete with or overwhelm the neat and orderly frontage. The top of the roof would be lower than the ridges of the main and east wing roofs behind, so the extension would read as a subordinate addition to the house. It would be finished in materials which would be both in keeping with the existing house and appropriate for the wider area.
16. As with the existing garage, the depth of the extension would not intrude into the streetscene; it would sit comfortably within the spacious front garden, and entirely behind the building line of the neighbouring houses. It would also be screened from many public views by the high front walls of the appeal property and, when in leaf, the mature trees in the front garden; however, even if it were not screened in that way, for the other reasons I have given the form and siting of the extension would not be harmful to the streetscene.
17. Taking all of this together, I conclude that varying the disputed condition would not lead to the development causing unacceptable harm to the character or appearance of the area, nor would it lead to conflict with Policies 6 or 37 of the BLP. Together, and among other things, those policies seek to ensure that all developments, including residential extensions, are of a high standard of design, respect or complement the host building and surrounding area in scale, form and materials, and positively complement the streetscene. There would also be no conflict with Policy 44 of the BLP, which requires that development in ASRCs should respect, enhance and strengthen those areas' special and distinctive qualities.

Other Matters

18. The Council considered that the proposal would not have any significant adverse effects on living conditions for neighbouring residents. None of the evidence before me or my observations on site leads me to disagree with that assessment.
19. A further application (LPA Ref: 20/01025/RECON1) sought to amend the April 2021 permission, but was refused planning permission on 12 May 2023. Both parties referred to that scheme, including comparing the appeal proposal to "what might have been" under it. I have not addressed that refused proposal in my reasons, as I have determined the appeal before me on its own planning merits.

Conditions

20. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect¹.
21. There is no dispute between the parties that the development for which permission is sought has commenced, so the otherwise standard condition imposing a time limit on the permission is not necessary. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all of the other conditions from the April 2021 permission. In the event that some have already been discharged, that is a matter which can be addressed by the parties. For consistency, I have retained the condition numbers from the original permission.

Conclusion

22. For the reasons given above I conclude that the appeal should succeed. I will therefore grant a new planning permission without the disputed condition 2 but substituting another. Other undisputed conditions which may still be subsisting and capable of taking effect are restated.

M Cryan

Inspector

¹ Paragraph: 040 Reference ID: 21a-040-20190723