



Appeal Decision

Site visit made on 5 March 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/G5180/W/23/3329487

132A High Street, Beckenham, Bromley BR3 1EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 is DC/22/01036/FULL1.
 - The development proposed was originally described as 'Additional third and fourth floor rear extensions to create an additional Studio Flat, referred to the approved planning application Ref. DC/21/04386/FULL1.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the appeal form differs from that on the application form. No confirmation has been provided of an agreed change in description. I have therefore used that as set out on the application form.
3. As the proposal is located within a conservation area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area (CA).
4. The Council's Statement of Case (SOC) advises that Policy 41 of the Bromley Local Plan 2019 (BLP) was omitted in error from the decision notice, and that this policy is referenced within the officer report (OR) which considered the application. As this policy forms part of the development plan, I have taken it into account in reaching my decision.
5. The Council's SOC and OR refer to the content of an untitled SPG (Supplementary Planning Guidance). I sought clarification on this matter. In summary, the Council advises that reference to the SPG was made in error; and that the SPG is a superseded document, replaced by the Beckenham Town Centre Conservation Area Guidance (BTCCAG), which was appended to the Council's SOC. For the avoidance of doubt, I have disregarded any reference to the superseded SPG.
6. The appellant submitted a response to the Council's SOC and has therefore had an opportunity to address these matters. I am therefore satisfied that the appellant has not been prejudiced in this regard.
7. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The paragraphs most pertinent to this appeal

are unchanged, other than their numbering. As such, neither party is prejudiced by a lack of consultation on the revised Framework.

Main Issue

8. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Beckenham Town Centre CA.

Reasons

9. The appeal property is a period building with a brick-built façade and architectural detailing. It comprises three storeys, (plus accommodation in the roof) with residential flats to the upper floors and commercial uses to the ground floor. The appeal site is located prominently within the High Street which forms part of the historic core of Beckenham. It is within a busy section of the town centre, opposite two locally listed buildings.
10. From the evidence before me, the significance of the CA stems from use as the historic core. The High Street has an unusual meandering layout and is characterised by historic buildings predominantly from the 19th and 20th centuries in a terraced form. Buildings sit within narrow urban plots at right angles to the street. Buildings along this particular section of the High Street are typically three storeys with further roof accommodation.
11. There is a gap between the appeal property and the neighbouring three storey end terrace at 134 High Street (No 134), forming an access road along the side of the appeal property. The access road extends along the rear of other properties along this section of the High Street.
12. The gap breaks up the extensive terraced form of this part of the High Street. It creates a spacious nature between buildings and permits public views to the side elevations and part of the roofscape of the appeal property and No 134. Views of the rear roofscape of the High Street are also available from the rear part of the access road. From my observations, there are other similar gaps and narrower passageways between terraced forms within other sections of the High Street, which appear to be part of the historic layout of the area.
13. For these reasons, the appeal property and the adjacent gap make a positive contribution to the character and appearance of the CA.
14. The appeal proposal would result in the demolition of a first-floor extension which presently serves as a flat, and the construction of a rear extension to create two flats over three floors. The Council raises no objection to the demolition of the existing first floor extension, and I find no reason to consider otherwise.
15. The appeal site benefits from an extant permission Ref DC/21/04386/FULL1 (the approved scheme). The approved scheme is similar to the appeal scheme before me, apart from the addition of a further two storeys to create a split level flat. The area of dispute is confined to the third and fourth storey elements of the appeal scheme.
16. The proposed first and second storeys would span the width of the rear elevation of the original building, and thus align with its original flank. Although these elements are the same as the approved scheme, they would not entirely

accord with BLP Policy 8, which normally requires a minimum of 1m side space for residential extensions of two or more storeys.

17. These elements of the proposal would be in view from the High Street and the access road and would undermine the gap between adjacent terraced forms. The proposed third and fourth storeys would have a further setback of about 1m, and thus they would not be highly visible from the High Street. The proposal as a whole would be visible from the rear part of the access road.
18. Although the proposed rear extension would be lower than the ridge height of the original building, it would be above its eaves height. As such, it would obscure much of the rear roofscape and rear chimney stack due to its overall height, width and siting. The proposed fourth storey would have a flat roof, discordant to the existing roof form of its host building.
19. While the proposal follows the design of the approved scheme with its innovative saw-toothed design, it is the additional bulk and mass created above eaves height that fails to respect the form and character of the original building.
20. For these reasons, the proposal would conflict with the BTCCAG, which sets out that extensions should reflect the form of the host building and should not be so large as to dominate or compete in visual terms with it.
21. Both parties draw my attention to a previously dismissed appeal¹ at the same site for a four-storey rear extension, which in general terms was of a larger scale and width than that before me. That decision makes no reference to views from any properties beyond the boundary of the CA to the rear of the appeal site, and it is therefore not clear whether this matter was considered in that appeal.
22. The boundary of the CA is drawn to the rear of the properties along this section of the High Street, beyond which are further properties towards the north which include a block of flats, about four storeys in height and of a more contemporary period, which have a direct view of the appeal site. There are also two storey dwellings in long and narrow plots along Church Avenue, where views are available from rear private amenity spaces and openings within rear elevations, albeit at some distance, with intervening mature trees.
23. These properties therefore experience views of the rear roofscape of the High Street, and of the wider CA depending on the angle of view. Such views allow the significance of the CA as a historic core with buildings of some height to be appreciated.
24. The proposal would appear in prominent view from these properties, most notably from the nearby block of flats. In this regard, the proposed third and fourth storey elements would compete with and detract from the original rear roofscape of the appeal building, due to their overall scale, siting, height and width.
25. I accept that the significance of the CA does not include views of a planned or designed nature. However, views within, to and from the CA have developed organically over time. In this regard, the setting within which the CA is

¹ Appeal Ref APP/G5180/W/22/3290471

- experienced is also relevant, and private views from surrounding properties allow the significance of the CA to be appreciated.
26. Whilst the visibility of the proposal from within the public realm would be limited, this has little bearing on my overall considerations, as I am duty bound to consider the effect upon the CA as a whole.
27. My attention is drawn by both parties to neighbouring rear extensions at 128-130 (evens) High Street and at 134-136 (evens) High Street. Although I have been provided with the approved plans for these developments, there is no substantive evidence before me to demonstrate the circumstances which led to their approval. However, it is not disputed that these developments were implemented prior to the designation of the CA, and as such, the statutory duties of the Act are now relevant, as are the provisions of the Framework regarding designated heritage assets.
28. As with the appeal scheme, due to their height, these nearby extensions fail to respect the original form and character of their host properties, creating a sense of mass and bulk to obscure the original roofscape which forms the historic core of the town centre.
29. There is little evidence before me to demonstrate that deep and tall projections to the rear of properties along the High Street are a prevailing feature of the CA, as the appellant suggests. Whilst there has been some erosion of characteristic features over time, the rear elevations and roofscape of the High Street have clearly retained some elements of interest which contribute to the significance of the CA overall.
30. The Framework sets out that the significance of any heritage asset that may be affected by a proposal should be taken into account, seeking to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
31. Furthermore, the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
32. In accordance with the Framework, the harm I have identified is less than substantial in the context of the CA as a whole, due to its localised nature, but nevertheless of considerable importance and weight. In these circumstances, the harm must be weighed against any public benefits of the proposed development.
33. The proposal would meet relevant standards for internal space, amenity space, and levels of light; and would provide a reasonable outlook for future occupiers. However, such matters are requirements of a residential development, and not a public benefit as such.
34. The proposal would provide one net additional unit of accommodation to meet housing needs in a town centre/accessible location. It would support the government's objectives for the efficient use of land and to significantly boost the supply of homes. It would contribute to a significant undersupply of deliverable housing sites, stated to be 3.38 years and not disputed by the

appellant. As a small site on previously developed land, it could be built out relatively quickly. Such benefits would be limited by the scale of the development proposed. I consider that temporary economic benefits would arise during the construction process, with additional household expenditure thereafter, but these benefits would be modest in scale, attracting limited weight.

35. Consequently, the public benefits of the proposal, when taken either individually or cumulatively would not outweigh the harm I have found, to which I am required to attach great weight. The scheme would therefore fail to accord with the requirements of the Framework and the Act.
36. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the CA and would cause less than substantial harm to its significance as a designated heritage asset. In the absence of sufficient public benefits to outweigh such harm, I conclude the proposed development would be contrary to Policies 4, 6, 8 and 41 of the BLP and Policy HC1 of the London Plan 2021. Taken together, these policies seek to ensure that development respects local character including heritage; is sympathetic to the assets' significance and appreciation within their surroundings; preserves or enhances the character or appearance of CAs; respects or compliments its host; and protects high spatial standards and levels of visual amenity.

Other Matters

37. The approved scheme is extant and would therefore represent a fallback position. However, it is of a considerably smaller scale than the appeal scheme and would be below the eaves height of the original building. It would therefore be less harmful than the appeal scheme. The appellant states that there is no fallback scheme, on the basis that the approved scheme is no longer economically viable. However, there is no substantive evidence before me to support this view. Even if such evidence was provided in support of the appellant's position, I am not convinced that it would outweigh the harm that I have found. For these reasons I attribute little weight to the approved scheme as it does not appear to be a realistic prospect.

Conclusion

38. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework is engaged. However, in accordance with paragraph 11 d) i and footnote 7, the Framework's policies relating to designated heritage assets provide a clear reason to refuse the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
39. I therefore conclude that the proposal conflicts with the development plan read as a whole, and there are no other material considerations, including the requirements of the Framework to indicate that the proposal should be determined other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR