



Appeal Decision

Site visits made on 13 February and 16 April 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/G5180/W/23/3325504

47B Belvedere Road, Anerley, London SE19 2HP

- 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 Michael Kochini against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/05083/FULL1, dated 29 December 2022, was refused by notice dated 13 June 2023.
 - The development proposed is the construction of a three-storey side extension and elevation alterations to enclose open staircase.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 10th May 2024

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development was described on the planning application form as the "enclosure of existing external staircase, alteration of staircase at ground level". That rather understates the scale and nature of the scheme; I have therefore used the amended wording from the Council's decision notice and the appeal form in the banner heading above, as it provides a more accurate description of the proposal.
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 the proposed development on the character and appearance of the Belvedere Road Conservation Area ("the BRCA").

Reasons

5. The appeal relates to part of No 47 Belvedere Road, a large Victorian villa comprising three storeys over a basement level. The building is divided internally into four flats which, other than the ground floor flat (which is

entered through the “main” front door) are accessed via an external staircase at the side of the building. The proposed development is the erection of a side extension to enclose the staircase.

6. The appeal site lies within the BRCA, and I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 195). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 206) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 208).
7. The BRCA grew as a residential area around the middle of the 19th century, though Fox Hill and Belvedere Road were long-established country lanes before then. The BRCA is predominantly characterised by large elegant detached and semi-detached villas, though within this there is a mix of styles, detailing and construction dates across the area. These give it what the Council’s 2001 *Supplementary Planning Guidance for Belvedere Road Conservation Area* (“the SPG”) describes as “a harmonious diversity”, where “seldom are any neighbouring buildings identical”. Nevertheless, there are unifying features which give the area coherence, including the scale of most of the buildings, and the way that the exterior appearance and detailing houses has largely been retained even where conversion to flats has taken place.
8. The SPG also highlights the importance to the character of the area of the spaces between detached and semi-detached buildings, of which the visible gap between the appeal property and the neighbouring No 45 appeared to me to be a typical example. The appellant suggests that the SPG is “unrealistic and outdated”. However, neither the age of the SPG, nor the emphasis which the Framework puts on making effective use of land, are well-founded arguments for setting aside the advice of the SPG. Even before it turns to address heritage assets, the Framework states that decisions should take into account “the desirability of maintaining an area’s prevailing character and setting”.
9. The appeal property has a two-storey rear side wing on its western side towards No 45, though this is set towards the back of the building. Other than when seen straight on, in views from the street this setting back ensures that the gap between, and visual separation of, neighbouring buildings is maintained, in keeping with the character of the area. I recognise that the steel staircase towards the front of the appeal property would be sensibly described as more functional than beautiful; however, it is a relatively lightweight structure, painted black, and set reasonably discreetly in the gap at the side of the building. It does not intrude into, or significantly detract from, the street scene.
10. The proposed side extension would have a hipped roof; the ridge and eaves heights would be slightly lower than those of the main roof, but it would appear (and be read) as a substantial full three-storey side extension. In infilling much of the space between the appeal property and No 45 next door, the extension would interrupt and diminish the spaciousness between buildings which can be seen elsewhere on Belvedere Road and which is a strong positive characteristic of the area. The extension would be aligned with the existing main front wall of

the building rather than set behind it, and so would also subsume the original side wall of the building, further eroding its legibility and character.

11. No 49, attached to the east side of the appeal property, is a modern building having been erected this century to replace a 1950s detached dwelling (which had in turn replaced a Victorian townhouse lost at around the time of the second world war). It does not have a side extension and, in form and massing (even if not quite in all detailing) it complements the appeal property; together they make a positive and well-balanced contribution to the character and appearance of the area. This balance would be lost as a consequence of the appeal scheme, a loss which would be further emphasised by the untidy and disjointed arrangement proposed for the two doors at the front of the extension.
12. Accordingly, I find that the proposed extension would harm the character and appearance of the host property, and would not preserve or enhance the character of the BRCA. In the Framework's terms, the harm to the significance of the conservation area as a designated heritage asset arising from the proposal would be less than substantial.
13. I acknowledge that there would be benefits to the occupiers of flats in the building, in that a covered stairway would provide a degree of security and shelter which the existing external stairway does not. To the extent that these may be public, rather than private, benefits they are limited. The suggested benefits also do not explain or justify the scale of the proposed extension, in particular the fact that it would appear to envelop the current roof balcony/terrace on the existing side extension. Such public benefits as might arise would be small, and would therefore carry only modest weight in favour of the scheme. They would not outweigh the harm to the heritage asset, to which I must attribute great weight.
14. I therefore conclude that the proposed development would conflict with Policies 8, 37 and 41 of the 2019 Bromley Local Plan, and Policies D3 and HC1 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development is well-designed, positively contributes to the existing streetscene (including by providing maintaining appropriate spacing between buildings), and that heritage assets including Conservation Areas are protected and enhanced. The proposal also conflicts with the provisions of the Framework which seek to conserve and enhance the historic environment.

Conclusion

15. The proposed extension would not preserve or enhance the character or appearance of the Belvedere Road Conservation Area, and would conflict with the development plan taken as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.
16. For the reasons given above I conclude that the appeal should be dismissed.

M Cryan

Inspector