



Appeal Decision

Site visit made on 5 November 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/G5180/D/24/3349890

Pines Cottage, 22 Pines Road, Bickley, Bromley, BR1 2AA

- 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 Natasha Catchpole against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01568/FULL6.
 - The development proposed is changes to boundary fence / gate adjacent the highway.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has been completed and the appeal is therefore in relation to obtaining retrospective permission for the works.

Main Issue

3. The main issue is the effect of the development on the character and appearance of Bickley Park Conservation Area.

Reasons

4. The appeal site lies within the Bickley Park Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
5. The significance of the CA is derived from its early twentieth century large, elegant houses set individually amid mature trees on spacious plots along curving roads.
6. The appeal property is a two storey, semi-detached dwelling located within a large, well landscaped plot with mature boundaries. Accordingly, the site makes a positive contribution to the sylvan character and appearance of the CA.
7. The metal railings that have been erected have a height of 1.4m and are black painted. According to the information before me, the railings replaced a white picket style fence which was similar in its appearance to that which encloses the adjacent dwelling at the junction of Pines Road and Chislehurst Road.

8. The railings enclose the dense hedging along the boundary of the site with Pines Road, and Chislehurst Road. The railings are open and are not visually obtrusive in the street scene and importantly, allow the mature hedging to dominate the frontage of the site thereby maintaining the dwelling's landscaped setting.
9. I acknowledge the picket-style fencing to the front of the adjacent dwelling in Chislehurst Road and the black painted solid fencing with hedging beyond which extends along the frontage of the adjoining semi, 20 Pines Road. However, I also observed on my site visit that black railings of varying height, often above brick walls, are particularly characteristic of the adjacent stretch of Pines Road including along the boundary of Nos 14, 14a, 16 and 18 Pines Road.
10. Whilst the non statutory design guidance in the Bickley Park Conservation Area Supplementary Planning Guidance (SPG) encourages the retention of existing boundary treatments, I nonetheless conclude that the open black railings that have been erected are consistent with the character and appearance of the CA, and in retaining the mature hedging beyond, have had a neutral effect on the significance of the CA.
11. The gate that has been erected has a height of about 1.8m. It is part solid timber to its lower half, with open metal railings above. The gate is recessed into the site so that it is set back from the carriageway edge by about 5.8m and set back from the edge of the footway by around 3.2m.
12. The height of the gate is consistent with others along Pines Road. However, most of these other examples of gates comprise tall open railings and therefore allow views into the frontage of the properties they enclose. In contrast, the lower 1.2m section of the gate is solid timber and effectively obstructs views into the site. Whilst I can see no issue with the overall height of the gates or their positioning, my concern is that the lower timber element of them is heavy and rather utilitarian in appearance and in restricting the views into the site, significantly detracts from the spacious character and appearance of the CA.
13. Accordingly, I find that the gates have a negative effect on the significance of a designated heritage asset. However, given the relatively small scale of the works, this would be less than substantial harm to the significance of the CA as a whole. Paragraph 208 of the National Planning Policy Framework indicates that in such circumstances the harm should be weighed against the public benefits of the scheme. No public benefits have been advanced in this case.
14. Whilst I have found the metal railings to have a neutral effect on the Bickley Park CA, I conclude that that proposed gates would fail to preserve or enhance the character or appearance of the CA. Consequently, the development is contrary to Policies 37 and 41 of the Bromley Local Plan 2019 which require high quality design and for development to preserve and enhance the characteristics and appearance of conservation areas.

Other Matters

15. The appellant has raised the possibility that the proposed gates may constitute permitted development in accordance with Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and accordingly, that an application for a Lawful Development Certificate will be made to the Council. However, consideration of

this matter is beyond the remit of this appeal which I have determined on its merits.

16. I acknowledge the security concerns of the appellant, however these security aims could be met by a more appropriately designed entrance gate.

Conclusion

17. I have found that the proposal conflicts with the development plan taken as a whole, and there are no other material considerations to outweigh that finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR