

Appeal Decision

Site visit made on 29 October 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/G5180/D/24/3339905

Marchurst, Hazel Grove, Orpington BR6 8LU

- 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 Mr Richard Everett against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/03434/FULL6.
 - The development proposed is front garden gates.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Farnborough Park Conservation Area.

Reasons

3. The appeal site relates to a substantial two storey detached dwelling. It is located on Hazel Grove which forms part of a private residential estate. In common with other properties in the surrounding area, the appeal property is set back from the road behind an open front garden and driveway. The site is within the Farnborough Park Conservation Area (CA).
4. The Supplementary Planning Guidance for Farnborough Park Conservation Area (SPG) notes that the chief interest of the CA lies in the innovative way the pre-existing landscape was incorporated into a high-quality built development, allowing scope for the construction of large individualistic private homes.
5. Properties are set on large, open plan plots with trees and shrubbery within their gardens resulting in a spacious, verdant character. The SPG says that the Council will seek the retention of open plan plots and will normally resist new front boundary walls where none currently exist; where additional privacy is required, a hedge or shrubbery is greatly to be preferred to a new fence or wall, and if new walls are constructed, they should generally be combined with a planting scheme to provide a mixture of green and built enclosure.
6. The appeal scheme proposes two sets of timber gates and brick piers on either side of the driveway, with a hedge in between. While I acknowledge that the scheme has been revised and that the gates and hedge would be set back three metres into the site, I nevertheless consider that their prominent siting, height and length would result in a substantial barrier and an unacceptable sense of

visual enclosure. The proposal would be at odds with the prevailing character of the open plan layout, which is a key characteristic of the CA, and would be harmful to the street scene.

7. Although I note the appellant's reference to other garden gates and walls elsewhere within the CA, I do not have the details of the planning history of these before me and their specific contexts are not identical to the appeal site. Moreover, they do not reflect the prevailing character of the area. Accordingly, these other examples do not justify the harm I have identified.
8. In conclusion, the proposal would be harmful to the character and appearance of the area, and it would fail to preserve or enhance the character or appearance of the CA. Therefore, the proposal would conflict with Policies 6, 37 and 41 of the Bromley Local Plan 2019 which seek to ensure that development is of high quality design appropriate to local character, and preserve or enhance the character or appearance of conservation areas.
9. The proposal would result in less than substantial harm to the significance of the CA. This harm still however carries great weight. The less than substantial harm should be balanced against the public benefits of the proposal including securing its optimum viable use. In this instance, there are no public benefits that would outweigh the harm.
10. The proposal would prevent the appellant's dogs escaping from the garden, which is an issue for the appellant for the reasons explained in their statement. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic (which includes a person's disability) and people who do not share it. I have also had regard to the rights conveyed within the Human Rights Act.
11. I have not been provided with any evidence to suggest that the proposal is the only means by which the needs of the appellant can be met or that there are no less harmful options available. In the absence of such evidence, the appellant's personal circumstances and PSED considerations do not outweigh the harm to the character and appearance of the area. The dismissal of the appeal is a proportionate and necessary response having regard to that harm.

Other Matters

12. I note that the proposal would not result in harm to the living conditions of the neighbouring occupiers, but this does not negate the adverse effect on the character and appearance of the area.

Conclusion

13. The proposal would be contrary to the development plan as a whole and there are no material considerations to suggest a decision other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR