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## Appeal Decision

Site visit made on 04 December 2024

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 December 2024**

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**Appeal Ref: APP/G5180/D/24/3347257**

**90 Malmaison Way, Beckenham, Bromley BR3 6SF**

- 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 Mrs Vasanthini Sivathasan against the decision of the London Borough of Bromley.
  - The application Ref is DC/24/01368/FULL6.
  - The development proposed is to elevate pre-existing front boundary wall and railings changing the brick pillar height from 1.2m to 1.65m and adding automated bell-curved gates (1.5m-1.65m) to both driveway entrances.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of proposed development from the planning application form but have limited it to solely reflect the act of development.
3. A revised version of the National Planning Policy Framework has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

### Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the area and highway safety.

### Reasons

#### *Character and appearance*

5. This residential street is characterised by low frontage boundaries, some hosting railings with others having vegetation. This is a distinctive characteristic of the Malmaison Way street scene. The low boundaries create an openness with clear views into the front garden areas of the dwellings that contributes to the pleasant appearance of the area.
6. Introducing a taller boundary frontage would be out of character within this street scene. It would be a dominant feature that would diminish the visual attractiveness of the locality. Consequently, increasing the height of the front boundary would be visually harmful to the appearance of the distinctive characteristics of this street scene.

7. The presences of vegetation within the site and behind the boundary would soften the appearance of the proposed front boundary. However, that vegetation could be removed or die leaving the boundary exposed. This does not overcome my above concerns.
8. Further along Malmains Way there are tall close boarded fences, however those fences enclose the rear gardens of properties that front onto different highways. The proposal forms part of the residential development that fronts onto Malmains Way. The proposed development therefore can and should be considered within the context of street scene to which it forms part.
9. The site is not covered by any designations, such as conservation area and the building is not statutorily or locally listed. Despite this these factors do not overcome my above concerns or justify the proposed development.
10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore conflict with Policy 37 of the Bromley Local Plan 2019. That policy seeks, amongst other matters, development to be of high-quality design and to positively contribute to the existing street scene.

#### *Highway safety*

11. The Council's Highway adviser highlights that the proposal to install new gates and piers would interfere with pedestrian visibility. The gates would also limit the ability of cars to pass each other. Also, the use of the gates could lead to obstructions. This would give rise to stationary cars waiting on the highway and this could potentially affect the free flow of traffic. As I see it restricted pedestrian visibility and obstruction of the highway would create an increased risk of accidents to pedestrians and increased danger to road users
12. It is suggested that the gate areas would be sufficiently wide that when a car pulls out the driver would have good views either side to see oncoming pedestrians. However, a vehicle would be required to project some way over the footway before a driver would have clear views in either direction along the footway. I acknowledge the proposal includes railings. This would allow for some views of on-coming pedestrians, however the piers would be obstructive features. A one way in and out system could be utilised but this would not overcome my concerns at whichever access may be used.
13. The use of electric gates may reduce waiting time on the highway when entering the site but there would still be a period of time when a vehicle would be stationary on the highway. As such, this would cause obstruction to the free flow of traffic. The imposition of a planning condition requiring the gates to be electric would not ameliorate my above concerns such that would make the proposal acceptable.
14. It is suggested that gates are a common feature within the local area. However, from what I saw at my visit this does not appear to be so along Malmains Way. I acknowledge that gates of up to 1m high could be installed under permitted development. Whilst this may be so, this does not justify the grant of planning permission for development that is not permitted development, especially when the development would give rise to harm.
15. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore conflict with Policy T.4 of the

London Plan 2021 and Policy 32 of the Bromley Local Plan 2019. These policies seek, amongst other matters, development proposals not to increase road danger and to ensure that there would be no significant adverse effects to road safety.

### **Other Matters**

16. Information provided on the planning application form indicates that there have been burglaries at the site. The nature of these incidents has made the occupiers feel extremely anxious. There has also been an increase in stolen vehicles and criminal activity in the area. The new front boundary with gates would improve the security of the site for the applicant, now the appellant, and this would be a benefit of the development. However, the visual harm that I have identified would be permanent. The proposal would give rise to highway safety concerns. These matters are not outweighed by the appellant's particular circumstances.

### **Conclusion**

17. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR