



Appeal Decision

Site visit made on 4 March 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/G5180/C/23/3336181

Q Bar and Kitchen, 159 High Street, Beckenham, BR3 1AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr George Habgood on behalf of C/O Expansion Group against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The enforcement notice was issued on 19 December 2023.
 - The breach of planning control as alleged in the notice is: without the required planning permission, the erection of an enclosed glazed metal canopy structure at the front of the property.
 - The requirements of the notice are:
 - (a) Remove the structure from the land
 - (b) Restore the land to its condition before the breach of planning control took place.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is:
 - corrected by deleting the words "Beckenham and Kelsey Square Conservation Area" under section 4 (reasons for this notice) and their replacement with:
"Beckenham Town Centre Conservation Area"
2. Subject to this correction, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended

The Notice

3. The Notice, under section 4 (reasons for this notice) incorrectly refers to Beckenham and Kelsey Square Conservation Area, whereas it should refer to the Beckenham Town Centre Conservation Area ('CA'). It is therefore necessary to correct this, and nothing within the appellant's submission indicates to me that it has been misunderstood by them as a result. Therefore, I consider that a correction is necessary which can be achieved by using my powers under s176(1)(a) of the Act without causing injustice.

Appeal on ground (a), the deemed planning application (DPA)

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the CA.

Reasons

5. The appeal relates to a ground floor commercial unit within a three-storey end of terrace property located in Beckenham High Street, within the CA. With regard to the effect on designated heritage assets, Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. 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. The Framework also states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
7. The significance of the CA largely derives from its rich architectural interest. Indeed, the Beckenham Town Centre Conservation Area Statement, 2020 (BTCCAS) highlights that the High Street is the historic core of Beckenham and stretches from Beckenham Junction station westwards to the Beckenham war memorial. Immediately behind the High Street are Victorian cottages such as those on Stanmore Terrace which have a very urban character. The CA comprises a range of building styles, mainly dating from the C19 and C20, and includes a number of statutory listed and locally listed buildings. This rich variety of historic buildings in the High Street, gives the area a high streetscape value.
8. The BTCCAS highlights that the siting and layout of new structures must be respectful of the character and appearance of the Conservation Area. This requires recognising and responding to the predominant scale, form and detailing of contributory buildings, and reflecting the bulk and spatial composition of structures and intervening spaces. The BTCCAS also states that original shopfronts are very important to the character of commercial areas. Retention and reinstatement of original frontages and/or details will be strongly encouraged. All replacement shopfront proposals should be well-related context whether this is the host building, parade or wider street scene as a whole; and of a high quality of design and use appropriate materials.
9. The appeal building, built circa 1959, is located at the end of a terrace of traditional red brick three storey buildings with commercial uses on the ground floor and predominantly residential above. Whilst it is an extension to the more historic terrace of Nos 161 to 169 the High Street, it is clear that its overall scale, form and layout broadly follows that of the adjoining historic terrace of which it forms part.

10. Prior to the current unauthorised metal canopy enclosure, the appeal site maintained the same front building line as the adjoining terrace. However, the current front canopy metal enclosure, extends over a significant portion of the forecourt, bringing the front building line of this property forward. In this respect, the development represents a visually discordant and incongruous feature within the terrace, and the wider street scene. Despite the use of materials which are similar to those used in pre-existing in shopfront (glass and aluminium), the overall scale of the extension, and forward projection, is such that it forms a prominent feature which is significantly at odds with the appearance of the terrace.
11. I appreciate that the appeal development is set back from no 157. Nevertheless, the appeal building forms part of a group of terraced properties at Nos 161 to 169, and therefore the position of the building at no 157 does not lend support for the current appeal development.
12. Therefore, the development results in the appeal property having a harmful appearance on the composition and uniformity of the terrace, and fails to preserve or enhance the character or appearance of the CA.
13. In support of their appeal the appellant has referred to a small number of other structures nearby. However, none of these are situated within the appeal terrace and are therefore not directly comparable to the current appeal development. At 86-90 High Street, the outside seating area, comprising tables and chairs only, is not the same as the development before me. Furthermore, there is no front canopy enclosed area at 422 Croydon Road. I appreciate that there are a small number of canopies and enclosed seating areas within the CA. However, the existence of these do not justify further harm to the CA.
14. In the terms of the Framework, the harm that the development causes to the significance of the designated heritage asset, which is the CA, amounts to less than substantial harm. Accordingly, this should be weighed against the public benefits of the development. I acknowledge that the development benefits the viability of the business, and supporting local jobs, by the provision of an additional weatherproof and ventilated outdoor seating area for members of the public throughout the year. However, these benefits are insufficient, in my view, to outweigh the harm I have identified to the CA and to which I afford considerable importance and weight.
15. I therefore conclude that the development has a harmful effect on the character and appearance of the terrace and fails to preserve or enhance the character or appearance of the CA, as a whole, contrary to Policies 37, 41 and 101 of the London Borough of Bromley Local Plan (2019). Amongst other things, these require proposals for alteration or extension to a building within a conservation area will need to preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings; and using high quality materials; and that the Council will expect proposals for new shop fronts or alterations to existing shop fronts to demonstrate a high quality, which complements the original design, proportions, materials and detailing of the shop front, surrounding street scene and the building of which it forms part.

16. The development also fails to preserve or enhance the character or appearance of the conservation area as required by Section 72(1) of the Act. This carries considerable weight and importance to my decision.

Conclusion

17. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice, with a correction, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R. Satheesan

INSPECTOR