



## Appeal Decision

Site visit made on 10 October 2023 by Thomas Courtney BA(Hons) MA MRTPI

**Decision by Martin Seaton BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30 JANUARY 2024**

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**Appeal Ref: APP/G5180/W/23/3321276**

**44 Beckenham Lane, Bromley, BR2 0DQ**

- 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 M Gibson against the decision of the London Borough of Bromley Council.
  - The application Ref DC/22/04901/FULL1, dated 13 December 2022, was refused by notice dated 2 March 2023.
  - The development proposed is the erection of a single 2 bedroom dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. The Government has published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.

### Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Barnsbury Conservation Area.

### Reasons for the Recommendation

5. The appeal site comprises a two-storey semi-detached building and its associated land to the side and rear. The building is sub-divided into two flats and the land to the side of the building is currently used as a drive or parking area. The area at the rear is fenced off and used for informal storage. The site lies within the Shortlands Village Conservation Area (CA) which covers the small historical local neighbourhood centre to the east of Shortlands Station encompassing Beckenham Lane and surrounding streets such as Recreation Road as well as the built form along Ravensbourne Avenue adjacent to Bromley Park.
  6. As the proposal is located in a conservation area, the statutory duty at section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the
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- Act), requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. The CA is typified for the most part by modest Victorian built form that emerged as a result of the construction of Shortlands Station in the mid-19<sup>th</sup> Century. The Beams Historic Area Assessment report<sup>1</sup> states that the area is characterised by the modest stature of the housing in contrast to the far grander detached Victorian housing on the surrounding hillsides. It refers to modest artisan terraced and semi-detached housing off Beckenham Lane dating from the 1870s and 1880s. It states the road is mostly two storeys built of London stock brick which creates unity along the road despite the varied types of buildings most of which are set back from the pavement and on small narrow plots. Opposite the appeal site lies the locally listed Valley Primary School, built in an Arts and Crafts style by Evelyn Helicar.
  8. The host dwelling forms part of a row of barn hipped roofed Victorian houses that are distinctive and directly contribute to the character and significance of the CA. I also note the arched side walls at No 42 which abut the site. These are interesting and a notable feature of the High Street. The significance of the CA is derived from its historical urban form and Victorian artisan houses.
  9. The appellant has suggested that the appeal proposal, with its contemporary design, would constitute a unique response to the site and character of the area. Whilst I agree that the proposed design would replicate some architectural features, roof forms, and neighbouring eaves heights observable on Beckenham Lane, the resultant building would nevertheless still appear cramped due to its narrow width. Its detached nature would be particularly noticeable and highlight its incongruity. The comparatively plain and contemporary front profile and excessive amount of glazing would jar with the Victorian character of the surrounding built form.
  10. Whilst the appellant states that the gap between the host dwelling and No 42 has no historical significance and is uncharacteristic of the area, it provides a visual and transitional break between the row of semi-detached properties and the terraced parade of shops to the east. It positively contributes to a sense of spaciousness between the buildings on the high street and allows views of the side arches at No 42. I concur with the Council in that the proposal would disrupt the rhythm of the streetscene and would constitute a discordant and obtrusive development.
  11. The urban grain in the area is relatively tight knit, as the appellant points out, but whilst there are houses with narrow widths on Recreation Road, I am not satisfied this lends any substantial weight to the proposal. It would adversely unbalance the appearance and rhythm of the traditional built form in this location, reduce spaciousness, and erode views of the adjacent arches.
  12. Paragraph 209 of the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I note that the proposal would be located opposite the locally listed Valley Primary School however it is not considered that that it would have an unreasonable impact on its appearance or

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<sup>1</sup> Built Environment Advisory & Management Service, Shortlands Village Historic Area Assessment, February 2020.

significance. Notwithstanding this, it would alter and erode its immediate setting. Therefore, I find that the harm arising should be afforded limited weight in the planning balance.

13. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. The proposed dwelling would constitute a discordant and incongruous addition that would jar with the historical character and appearance of Beckenham Lane. It would thus distract from the significance of this part of the CA. Given the small scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
14. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appeal statement states that the proposal would be beneficial because it would provide housing for first-time buyers on a small site which constitutes brownfield land and is accessible with public transport. The appellant also highlights that a green roof would be provided, albeit that this has not been shown on the plans or proposed via a condition as a means of securing its provision. I acknowledge that these would constitute public benefits however given the small scale of the development and the single unit of housing to be provided they would attract only limited weight in support of the scheme and would not outweigh the harm identified above.
15. Given the above and in the absence of any substantiated or significant public benefit, I conclude that the proposal would fail to preserve the character or appearance of the Shortlands Village Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 203 of the Framework and conflict with Policies D3, H2 and HC1 of the *London Plan* (2021) and Policies 4, 37, 39, and 41 of the Bromley Local Plan that seek, among other things, to ensure proposals are well designed, conserve the significance of conservation areas and respect the setting of locally listed buildings. As a result, the proposal would not be in accordance with the development plan, and I find these policies to be consistent with the policies in the Framework.

### **Planning Balance and Recommendation**

16. Both parties agree the Council cannot demonstrate a 5-year housing land supply. Furthermore, the Housing Delivery Test: 2022 measurement (December 2023) highlights that the delivery of housing in the London Borough of Bromley has been substantially below the housing requirement over the past three years. Paragraph 11(d) of the Framework therefore applies.
17. In such a circumstance, Paragraph 11(d)(i) requires permission to be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 to paragraph 11(d)(i) identifies designated heritage assets as being within this description, which in accordance with the definition in Annex 2 of the Framework includes a Conservation Area designated under the relevant legislation.

18. In this instance, conflict has been identified with policies in the Framework that protect areas or assets of particular importance, which provide a clear reason for refusing the development proposed. The harm identified to the Conservation Area therefore means that the proposal would not benefit from the presumption in favour of sustainable development ('the tilted balance') as paragraph 11(d)(ii) is not applicable in such a circumstance.
19. I recognise that the proposal would provide an additional dwelling and contribute to housing supply in the area. There would also be associated social and economic benefits which would arise, both from the construction process and subsequent engagement by new residents with local businesses and in the community. However, these benefits would as a consequence of the scale of development be limited, and for the same reason I also attach limited weight to the efficient use of land.
20. Nevertheless, I have found that the proposal would give rise to harm to the significance of the CA and the setting of a locally listed building. This results in conflict with the Framework, to which I afford significant weight. The limited benefits arising in this case would not outweigh this conflict.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Thomas Courtney*

APPEAL PLANNING OFFICER

**Inspector's Decision**

22. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*Martin Seaton*

INSPECTOR