



Appeal Decision

Site visit made on 10 April 2025

by **Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: 6000061

75 Downs Hill, Beckenham, Bromley BR3 5HD

- 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 Zahia Zaitout against the decision of the Council of the London Borough of Bromley.
- The application Ref is DC/24/03152/FULL6.
- The development proposed is replacement drive with block paving, front and side(s) boundary brick walls with pillars and railings, two sliding gates and landscaping. (RETROSPECTIVE)

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided in the application form contains text relating to the planning merits of the proposed development. The description of development in the Council's decision notice best describes the proposed development in precise and concise terms. As such, the description of development found in the banner heading above has been taken from the Council's decision notice, and I have used this description in my consideration of the appeal.
3. I observed that some of the proposed development had already been carried out. Nevertheless, I cannot be certain that the development that has been carried out is exactly the same in its entirety as that which has been applied for. Thus, for the avoidance of doubt, this appeal decision only relates to the proposed development as shown on the submitted appeal plans.
4. The appellant's Grounds of Appeal included new material evidence in the form of a Highways Appeal Statement. The Council was provided with an opportunity to comment on this evidence. No comments were received. I have had regard to the Highways Appeal Statement in my decision.

Main Issues

5. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Downs Hill Conservation Area; and
 - the effect of the proposed development on highway safety.

Reasons

Conservation area

6. The appeal site comprises 75 Downs Hill (No 75), a detached 2-storey dwelling situated in the Downs Hill Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) 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. As mentioned in the Downs Hill Conservation Area Supplementary Planning Guidance (adopted 2000) (SPG), the significance of the conservation area derives in part from its detached properties, unified by their common age of construction and their reference to neo-Tudor and neo-vernacular elements. The SPG also highlights important elements of the conservation area being that houses are fronted with relatively low, informal stone walls constructed from dressed and rubble stone, often combined with re-used red brick and tile, and alternatively, low hedges are used and some frontages are completely open plan, with grass lawns extending to the road.
8. The SPG summarises that this tendency towards openness provides views across the front elevations of the houses and the spaciousness typical of this period of development. The site contributes to the significance of the conservation area primarily by the presence of No 75 which exhibits neo-vernacular elements similar to those referred to above, and through its relatively open frontage which positively adds to the spaciousness of the area.
9. I observed all of the examples of front boundary treatments referred to by the appellant, including those referred to in the suite of photographs supplied. I observed that, whilst the plans submitted relating to a planning permission¹ for 28 Downs Hill shows 2 brickwork pillars in the central section of the front boundary treatment (in front of the main bank of windows on the principal elevation), with a wide brickwork wall beneath metal railings, only a metal railing is currently present on the central section of the front boundary treatment. The front boundary treatment has a more understated and a less prominent appearance in the street scene in actuality than is implied on the plans submitted.
10. I observed that, whilst some examples are present in the vicinity, brick walls and railings are not the predominant front boundary treatment found in the local area. Indeed, I observed that, despite the age of the SPG and the presence of some brick walls, railings and gates along the length of Downs Hill, relatively low, informal stone walls and low hedges are still very much commonplace in the local area.
11. In marked contrast to this established aesthetic, the proposed development would introduce a mass of high bricked boundary wall, with metal railings along the top of the wall, and 2 wide and tall gates. Despite the use of appropriate materials, the sheer amount of brickwork involved would clash with the generally much more understated front boundary treatments found in the vicinity. As the new front boundary treatment would be clearly visible in the street scene, even taking account of the presence of the bus stop on the footway, it would stand out as a prominent feature.
12. I observed that, although due to the topography of the site No 75 is elevated from the highway, the depth of the front garden and driveway is such that the proposed

¹ 14/03219/FULL1

railings and gates would filter the views of these areas when seen from footway, meaning that the front garden and driveway would not be clearly visible in the street scene. Although the proposed development would not obscure No 75 and would be visually subservient to No 75, the substantial amount of brickwork and railings proposed would significantly increase the sense of enclosure of the site, which would appear out-of-keeping with the otherwise frequently open nature of frontages in the area.

13. As such, the proposed development would conflict with the advice given in the SPG, which cautions that the construction of large areas of high front boundary enclosures will be resisted where it appears that this would affect the open nature of the area. Hence, the contribution that the site makes to the significance of the conservation area, including to its spacious character, would be unacceptably compromised. The significance of the conservation area would be eroded.
14. I observed that the proposed development would have a more strident appearance than the majority of the examples cited by the appellants. For example, I observed that all of the brick walls identified on appellant's photographs for 117 and 119 Foxgrove Road, 6, 10, and 44 Downs Hill, 55, 57, and 59 The Avenue, and 6 Crab Hill, are either low, or are sufficiently staggered in height such that the brickwork has a much less imposing appearance in the street scene than that proposed at No 75. Moreover, the front boundary treatment at 79 Downs Hill does not incorporate wide and tall gates, in contrast to the appeal proposal. The examples cited serve to highlight the unduly dominant and prominent nature of the proposed development in its context. They do not change my findings on this main issue.
15. The harm caused to the character and appearance of the conservation area would be localised, meaning that the harm caused to its significance would be less than substantial. This harm must be given considerable importance and weight. Such harm must be weighed against the public benefits of the proposed development. The proposed development would provide enhanced security on site. However, the benefits in this regard would be largely private in nature, meaning that they attract little weight. These public benefits would not outweigh the harm that would be caused to the significance of the conservation area, due to the great weight which has been given to the conservation of this designated heritage asset.
16. I therefore find that the proposed development would not preserve or enhance the character or appearance of the conservation area. It would conflict with parts a and b of Policy 37 of the Bromley Local Plan (adopted 2019) (Local Plan) which provides that, amongst other things, developments will be expected to be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, and form of adjacent buildings and areas, and positively contribute to the existing street scene and respect heritage assets.
17. The proposed development would conflict with the first bullet point of Policy 41 of the Local Plan which provides that, amongst other things, proposals for new development, for engineering works, alteration or extension to a building or for change of use of land or buildings within a conservation area will need to preserve and enhance its characteristics and appearance by respecting or complementing the scale and form of existing buildings and spaces.
18. The proposed development would conflict with part C of Policy HC1 of the London Plan (published 2021) which provides that, amongst other things, development

proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings, and with chapter 16 of the National Planning Policy Framework (the Framework) which seeks to conserve and enhance the historic environment.

Highway safety

19. The site benefits from 2 existing crossovers, which presently enables the occupiers of No 75 to enter and exit the site in a forward gear. I observed that the visibility from the site is adequate for vehicles exiting the site, in both directions. The carriageway in the vicinity of the site is wide.
20. The proposed development would incorporate a sliding vehicle access gate, which would be electronically operated. As the gate would be controlled by a remote transponder, the opening procedure for the gate could be initiated whilst a vehicle is on route, with the gate then being open when the vehicle arrives at the access to the site. Consequently, the proposed development would not create a situation where a vehicle is waiting on the carriageway to enter the site for an unusual amount of time. The proposed development would not lead to any undue obstructions on the highway, even taking account of the presence of the bus stop and the width of the carriageway. Its impact on the free flow of traffic and pedestrian movements in the vicinity of the site would be minimal.
21. It follows that the proposed development would not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network, following mitigation, would not be severe, taking into account all reasonable future scenarios, which paragraph 116 of the Framework sets as the standard for development to be prevented or refused on highways grounds.
22. I therefore find that the proposed development would have an acceptable effect on highway safety. It would comply with Policy 32 of the Local Plan which provides that the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected. It would comply with Policy T4 of the London Plan which provides that, amongst other things, development proposals should not increase road danger.

Other Matters

23. The finding on the 2nd main issue above, in relation to highway safety, is a neutral matter, which does not weigh in favour of the proposed development.

Other Considerations and Planning Balance

24. Although I note that previously the front of the site was in a poor condition and that the proposed development would assist in tidying up the site, it has not been shown that a less harmful scheme than that proposed could not achieve the same aims. Little weight has been given to this matter in support of the proposed development.
25. I have had regard to the stated need for the proposed development for reasons of personal safety and the security of the site. It is not unusual for bus stops to be situated outside of residential properties, and few details have been provided to explain why No 75 would be an especially vulnerable target for anti-social behaviour (including trespass and littering) and / or crime. In any event, it has not

been demonstrated that a less harmful scheme (potentially including security features which would not adversely impact upon the significance of the conservation area) could not achieve the same aims. Little weight has been given to these matters in support of the proposed development.

26. Paragraph 212 of the Framework provides that, amongst other things, 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. The benefits of the proposed development, summarised above, would not outweigh the adverse impacts which would be caused to the significance of the conservation area, which is an irreplaceable resource.
27. For these reasons, none of the other considerations material to the proposed development are of sufficient weight to indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR