

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

**Application No :** 13/00196/FULL1

**Ward:**  
**Copers Cope**

**Address :** Foxgrove House Foxgrove Road  
Beckenham BR3 5AR

**OS Grid Ref:** E: 537552 N: 170125

**Applicant :** Mrs Patricia Mantoura

**Objections :** YES

**Description of Development:**

Formation of a new crossover and parking space in the rear garden with access via gates from Beckenham Place Road.

Key designations:

Conservation Area: Southend Road  
Area of Special Residential Character  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Local Cycle Network  
Local Cycle Network  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

**Proposal**

The application property is a ground floor residential flat (No.3) which forms part of Foxgrove House which is subdivided into a number of self-contained units. The site is an irregular shape and fronts onto Foxgrove Road with the side / rear boundary fronting onto Beckenham Place Park. It is proposed to provide a vehicular access from Beckenham Place Park to the side rear garden come hardstanding area associated with No.3 Foxgrove House. The development would comprise the formation of vehicular crossover and 4m (w) x 2m (h) gates which would be of a very similar appearance and same height as the existing fence panels along this part of the site boundary.

**Location**

The aptly named Foxgrove House is located at the western end of Foxgrove Road at the junction with Beckenham Place Park, Park Road and Southend Road.

The site is adjacent to Southend Road Conservation Area and also falls within Beckenham Place Park, Foxgrove Avenue & Foxgrove Road Area of Special Residential Character (ASRC). The western section of the ASRC which incorporates the application site is described in Appendix I of the Unitary Development Plan(UDP) as:

"...a pleasant residential area comprising some post-war as well as substantial inter-war detached family houses of no particular architectural merit, but in a good setting with the statutorily listed lodges to Beckenham Place Park at the entrance from Southend Road... In the case of Foxgrove Avenue and Foxgrove Road, the properties are in the main inter/ post-war and present a less expansive impression than other parts of this area. The rear gardens are spacious and in most cases provide an important and attractive backdrop to the surrounding open space."

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and 5 representations were received including 2 letters on behalf of Beckenham Place Park Society which can be summarised as follows:

- fencing and gates detract from the character and appearance of the surrounding area
- previously when there had been unauthorised opening it created difficulty for others nearby accessing their driveways
- the fence height prevents good sight lines and the gates would prejudice pedestrian safety
- if gates are left open this would be harmful to the visual amenity of the area
- the access in the form proposed is likely to require a formal agreement
- Foxgrove House is not part of Beckenham Place Park
- there is already parking available in front of Foxgrove House
- the proposed access may make it difficult for trucks and ambulances and refuse trucks to enter Beckenham Place Park
- proposed is a back garden development that should not be allowed in a Conservation Area or ASRC
- allowing a vehicular access here will pose a security risk to my garden at the rear of my property (flat 5, Foxgrove Hse) adjacent to this. Cars will disturb the enjoyment of my garden, through noise and unattractive appearance (hardstanding)
- the revised scheme is virtually identical to that which was dismissed at appeal
- council highways officials should not be allowed to dictate the Councils decision on the basis of their own personal judgement, whether personal or not as there is ample reason and relevant grounds to take a different view
- the gates would open directly onto a narrow footpath at a particularly narrow stretch of road near to a dangerous entrance. All other vehicle

entries in the park have an apron inform of varying width which facilitates mutual visibility.

- the increase in the size of the gates does not seem to alter sightlines and distances significantly
- the creation of the access would result in the removal of some of the vegetation and shrubbery in an attempt to improve visibility splays which in turn would result in adverse impact on the character of the Conservation Area and ASRC

Full text of all letters are available to view on file.

### **Comments from Consultees**

Highways - "The site is located at the corner of Foxgrove Road and Beckenham Place Park with a long side boundary fronting Foxgrove Road. The vehicular access for the proposed parking space will be gained from Beckenham Place Road, which is an unadopted highway. There are waiting restrictions (No Waiting at any Time) immediately outside Foxgrove House. The development is located within an area with a PTAL rate of 3.

The revised drawings supplied show gates widened to 4m. This would improve visibility significantly, so no further comments are made. Following concern from residents' concerning highway safety the site was visited by the Highways Development Engineer for a second time. Their view remains unchanged it is not considered that the formation of a crossover and vehicular access via gates from Beckenham Place Park will affect pedestrian safety.

Given the status of Beckenham Place Park as an unadopted street, the applicant should be advised via an informative attached to any permission that the condition of the section of the street to which the proposed development has a frontage should, at the end of development, be at least commensurate with that which existed prior to commencement of the development. The applicant should, therefore, also be advised that before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for them to obtain the agreement of the owner(s) of the sub-soil upon which Beckenham Park Place is laid out.

Heritage and Urban Design concur with the view of the inspector on the appeal decision that the boundary treatment would not harm the visual amenities and character of the area.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development
- BE11 Conservation Areas
- H10 Areas of Special Residential Character
- T18 Road Safety

## Southend Road Conservation Area Supplementary Planning Guidance (SPG)

### Planning History

An enforcement appeal was made under ENF/08/00199, the breach related to the subject fencing, gate and hardstanding. The appeal was allowed in so far as it related to the retention of the hardstanding and fencing which would need to be permanently closed. The appeal was dismissed in so far as it related to the gates, it was considered that it would due to its height compromise sightlines and therefore also highway safety.

In reaching a conclusion the Inspector noted the following:

#### Effect on Highway Safety

"The position of the gates at the back of the footway and the height of the fence give rise to visibility problems for drivers exiting the appeal site as their sightlines are obstructed. In view of the narrow width of Beckenham Park at this location and its close proximity to the junction with Foxgrove road and Southend Road, any lack of visibility is I consider a potential hazard and breaches the policy requirement to ensure that road safety is not adversely affected. Failure to provide adequate visibility results, in my opinion, in an adverse impact on vehicular and pedestrian safety."

#### Character and Appearance of the Conservation Area

"In the immediate vicinity front boundary treatments are characterised by low fences or walls with tall hedges above, or by high walls and railings. The former type of fence existed at the appeal site but was dilapidated. However, there are side boundary fences adjacent to the highway close to the site within the Conservation Area. The appeal fence appears to have been constructed to a high standard, is of a similar design, height and materials to those other fences. It is therefore in keeping with its surroundings.

With regard to the hardstanding, I observed this to be a gravelled area at the back of the garden. It cannot be seen from the road, except when the gates are open, and is significantly less extensive than other hard surfaced areas at nearby properties which are highly visible from public viewpoints. It is, in my view, in keeping with its surroundings as a hard landscaped area of garden.

I conclude on this issue, therefore, that the fence, gates and hardstanding as constructed do not adversely affect the character and appearance of the ASRC, the adjacent Southend Road Conservation Area or the setting of the listed buildings."

### Conclusions

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

The main issues relating to the application are the effect that it would have on the character and appearance of the adjacent Conservation Area and the ASRC and also its impact on pedestrian and vehicular safety.

The SPG for Southend Road Conservation Area sets out an expectation for new development proposals to conform with the character of that section of the conservation area surrounding the proposal site and with the general character of the area, especially in regard to the scale and height of construction, location with a plot (where material), design and materials used. It is hoped that all improvement works will take account of the character of the buildings and alter them as little as possible.

The appeal decision dated 15th October 2009 concludes that the gates, fencing and hardstanding would not adversely affect the character of the Conservation Area. It is considered that there have been no substantive changes to Policy or within the site or surrounding locality that would result in a different conclusion being reached. This view is also shared by the Heritage and Urban Design Section.

Furthermore, the highways planning section are now content that the proposed gates due to their increased width would no longer compromise highway safety.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area or pedestrian safety.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/00196, excluding exempt information.

as amended by documents received on 29.05.2013

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
         ACA01R      A01 Reason 3 years
- 2      ACK01      Compliance with submitted plan

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the neighbouring properties, in line with Policies BE1, BE11 and H8 of the Unitary Development Plan.

## **INFORMATIVE(S)**

- 1 The condition of the section of the street to which the proposed development has a frontage should, at the end of development, be at least commensurate with that which existed prior to commencement of the development.
- 2 Before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for them to obtain the agreement of the owner(s) of the sub-soil upon which Beckenham Park Place is laid out.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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