
Appeal Decision

Site visit made on 5 December 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th January 2017

Appeal Ref: APP/G5180/W/16/3158617

27 Heathfield, Chislehurst BR7 6AF

- 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 Mrs Sara Schmitz against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03115/FULL1, dated 29 June 2016, was refused by notice dated 2 September 2016.
 - The development proposed is demolition of existing dwelling and erection of new detached dwelling following previous grant of outline permission ref: 15/01879.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed dwelling on the character and appearance of the Chislehurst Conservation Area; and,
 - The effect of the proposal on the living conditions of the occupiers of No 25 Heathfield with particular reference to outlook.

Reasons

Character and appearance

3. Heathfield is a residential road located within the Chislehurst Conservation Area. Its layout resembles that of a horseshoe, with each end connecting to the road known as The Meadow. It is lined by large individually designed detached properties set in good sized gardens with mature vegetation, creating a spacious and verdant character. Whilst the style of these dwellings varies, most are two storey and of traditional design with brick and render elevations and hipped tiled roofs. It is clear that many of these dwellings have undergone significant alterations and renovations in the recent past, though they generally retain a traditional appearance.
 4. In this respect the Chislehurst Conservation Area Supplementary Planning Document (the SPD) recognises The Meadow/Heathfield Sub-Area as being *"predominantly comprised of contemporary houses and gardens, which do not contribute significantly to the character and appearance of the conservation*
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area. However, given their discrete location, they do not detract from the area”.

5. The appeal site is located on the eastern side of the road, at the head of the horseshoe. A bungalow, which is located in a slightly elevated position relative to the road and its neighbours, currently occupies this site. This dwelling is modest in appearance, similar to others in this area, with brick elevations and a steeply pitched hipped roof and side garage. I note that the principle of the replacement of this dwelling has already been accepted by the Council, with a previous outline approval having been given for a two storey four bedroom replacement dwelling on this site¹. However, the appearance of this dwelling was a reserved matter.
6. The current appeal is for the demolition of the bungalow and the construction of what is described as a two storey four bedroom dwelling with additional accommodation in the roof space. This would include a single storey rear projection on the north side of the building. The dwelling would be of distinct and contemporary appearance, with horizontal planes juxtaposed at various levels, and using a range of materials including brick, render, metal cladding and timber.
7. As has been noted, the dwellings in this area are not considered to have any individual architectural merit. In this respect the proposal would be an unusual and prominent element of the local street scene. I accept that an attempt has been made to design a building of high standard which would make a positive addition, using the palette of material seen elsewhere in this area. However, this unique statement design would not be appropriate in such close proximity to neighbouring properties which are of more modest and subdued appearance. In this respect the SPD states that “*new buildings should not become dominant elements or overwhelm contributory structures or spaces*”.
8. The dwelling would also be considerably larger than the present bungalow, though the appellant states that it would mostly sit within the footprint of the approved scheme. Nevertheless, this dwelling would be of notable size, filling much of the width of the plot, and with a shallow roof pitch emphasising its bulk. Whilst I note that the second storey would be set back from the front elevation on its southern side in order to reduce its impact on the streetscene, this would still be a visible element of the property.
9. The appellant points to various examples of where the Council has allowed developments with modern appearance within the Chislehurst Conservation Area. Full details of the context for these developments have not been provided so I am unable to comment in detail. In general I accept that where there is no over-riding architectural theme it may be appropriate to allow some variety. However, in a residential environment such as Heathfield, where there is some basic consistency in appearance, and where local views and vistas take in a range of dwellings, design solutions should generally be within the parameters set by this local context. This consideration is reflected in the SDP which states that “*the adoption of scale, forms and materials characteristic of the Conservation Area is usually appropriate*”.

¹ 15/01879/OUT

10. The appellant refers to a recent appeal decision in which a development on The Meadow, just past the entrance to Heathfield, has been allowed.² I note that this is described as “*a traditionally designed brick building that seeks to reflect Arts and Crafts principles*”. It therefore appears that this building has been designed with close reference to its context. However, as noted above the present building would sit in contrast to its neighbours.
11. The appellant also refers to the National Planning Policy Framework (the Framework) which at paragraph 63 states that in determining planning applications great weight should be given to outstanding or innovative design that help raise the standard of design more generally in the area. However, in this case whilst I have accepted that such a building would be unusual in this area, it would not in itself be outstanding or particularly innovative. Furthermore, of over-riding importance in this case is the setting of the Conservation Area, for which the Framework encourages development which contributes to local character and distinctiveness.³
12. I therefore conclude that because of its design and scale the proposed dwelling would have a detrimental impact on the character and appearance of the Chislehurst Conservation Area. It would conflict with the Bromley Unitary Development Plan 2006 which at saved Policies BE1 and BE11 requires development to respect or complement the scale, form, layout and materials of adjacent buildings and areas.

Living conditions

13. The shared boundary with No 25 Heathfield is defined by mature vegetation. The single storey flat roofed rear projection would extend around 9.5m beyond the rear elevation of the appeal dwelling. It would be parallel to and around 1.7m away from the shared boundary with No 25, and on this northern elevation would present a blank rendered wall with a single long narrow window.
14. Whilst details of the proposed boundary treatment have not been presented, given the proximity of the building to the shared boundary it is likely that a large amount of the existing vegetation would be removed. I accept that this element of the building would not have a significant impact on the daylight/sunlight received by the occupiers of No 25. However, this structure would be clearly visible from the side and rear upper floor windows of this property. Given its length and stark appearance it would be a prominent element of the rear outlook for the occupiers of this property. My view is that the degree of visual intrusion created in this garden space would not be acceptable.
15. The appellant states that this element of the building has sought to make best use of the orientation of the plot. They also note that a building of reduced height slightly further away from the shared boundary would be permitted development. However, I have judged this proposal on the basis of the details presented and found it to be inappropriate in this location in terms of its impact on the outlook of the occupiers of the neighbouring property.

² APP/G5180/W/16/3142335

³ Paragraph 131.

16. As I have found that the proposal would have a detrimental effect on the living conditions of the occupiers of No 25 Heathfield with particular reference to outlook, it would conflict with the UDP saved Policies BE1 and H8 which, amongst other things, require development to respect the space around buildings and the amenity of the occupiers of neighbouring properties.

Conclusion

17. I have found harm in terms of both the impact of this dwelling on the character and appearance of the Conservation Area and on the living conditions of the occupiers of the neighbouring property. In this context the statutory duty contained in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As in this case I consider the harm which would result from this development to be less than substantial, I am required in accordance with paragraph 134 of the Framework to weigh this harm against the public benefits of the proposal, including securing the optimum viable use of the site.
18. In this case the principle of the replacement of this existing building with a more modern and therefore efficient dwelling has already been accepted. The present proposal does not bring any additional benefits to outweigh the harm identified to this designated heritage asset. I therefore conclude that this proposal would not accord with either the development plan or the Framework when taken as a whole.
19. So, for the reasons set out above, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR