
Appeal Decision

Site visit made on 14 February 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 06 March 2017

Appeal Ref: APP/G5180/D/16/3164913

Flint Cottage, 13 Riverside Close, Main Road, Orpington BR5 3HJ

- 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 Tina Priestman against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03480/FULL6 was refused by notice dated 25 October 2016.
 - The development proposed is a two metre high fence to enclose owned land.
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Costs

1. An application for costs was made by Mrs Tina Priestman against the Council of the London Borough of Bromley. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission granted for a two metre high fence to enclose owned land at Flint Cottage, 13 Riverside Close, Main Road, Orpington BR5 3HJ in accordance with the terms of the application Ref DC/16/03480/FULL6 dated 5 July 2016.

Main Issue

3. I consider the main issue to be the effect of the proposal on the character and appearance of the St Pauls Cray Conservation Area.

Reasons

4. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area. This is reflected in Saved Policy BE11 in the London Borough of Bromley Unitary Development Plan (UDP) (2006).
 5. The National Planning Policy Framework advises that 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.
 6. The appeal site lies within the St Pauls Cray Conservation Area, characterised by the verdant appearance of open land adjoining the river in a predominately residential village setting.
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7. There is discrepancy with the plans. For the avoidance of doubt, I have taken the development to be that erected as indicated on a copy of the Title Plan (7 March 2016). The fence has been erected around what was private open land adjacent to the parking area. It is situated in the rear garden area adjacent to the river. Whilst the dwellings in Riverside Close are situated within the setting of the adjacent river, most of the rear gardens facing the river are enclosed by fencing. As such, these gardens are not seen as part of the wider open visual qualities of the estate layout.
8. Saved UDP Policy G8 restricts development in areas defined as Urban Open Space unless satisfying criteria that includes the development being related to the existing use. Saved UDP Policy BE7 resists high or inappropriate enclosures if they erode open nature or townscape character.
9. The development encloses existing private land within a residential development. I consider that the fence is related to the existing residential use of land within this residential development. Whilst the enclosed site was a small private open area adjacent to the parking area, it now appears as a continuation of the fenced in rear gardens that back onto the river. In these circumstances, I do not consider that its enclosure by the fence impacts significantly on the open visual qualities of the wider estate layout and does not impact significantly on, or undermine, the purpose of the Urban Open Space designation.
10. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the character and appearance of the Conservation Area. For the above reasons, I consider that the fence is in keeping with adjacent rear garden fencing in this part of Riverside Close. As such, it does not have an adverse effect on the significance of the Conservation Area designation. Having taken into consideration all matters raised, I consider that the fence preserves the character and appearance of the Conservation Area. Thus, the development is in accordance with saved UDP Policies BE7, G8 and BE11.
11. I consider the above policies are broadly in accordance with the Framework as far as they meet the Framework's core principles; particularly that planning should be seeking to ensure high quality design; should be taking account of the different roles and character of an area; and should be seeking to conserve heritage assets in a manner appropriate to their significance.
12. The Council has suggested the imposition of standard time, materials and plans conditions, which I do not consider to be reasonable and necessary, particularly as the fence is already constructed. I note that the Planning Officer's Report recommended the imposition of a condition requiring the ongoing maintenance of the fence. This has subsequently not been suggested by the Council and I do not consider it necessary to impose such a condition for a structure of this nature in this particular instance.

J L Cheesley

INSPECTOR