
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/16/3164920

8 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 Ms Emma Foskett against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03633/FULL6 was refused by notice dated 25 October 2016.
 - The development proposed is a shed.
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Costs

1. An application for costs was made by Ms Emma Foskett 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 shed at 8 Riverside Close, Main Road, Orpington BR5 3HJ in accordance with the terms of the application Ref DC/16/03633/FULL6 dated 1 August 2016.

Main Issues

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; and

the effect of the proposal on the Urban Open Space designation.

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. The shed has been erected and is situated within a fenced area, which is the subject of a separate planning application. It is situated adjacent to the river on what was previously an open area. 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 BE1 seeks, amongst other matters, for new development to complement the scale and form of adjacent buildings.
9. This is a small timber garden shed with the appearance of a domestic outbuilding. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the character and appearance of the Conservation Area. Due to the small scale and the design of the shed, I consider that it appears as a discrete domestic addition to the rear garden/parking area. As such, it does not have an adverse effect on the significance of the Conservation Area designation. Therefore, I consider that the shed preserves the character and appearance of the Conservation Area.
10. 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. Whilst the site was a private open area adjacent to the parking area, in these circumstances, I consider that the shed is related to the domestic use of the property at 8 Riverside Close within the wider residential use of the land at Riverside Close. Due to the scale and position of the shed I do not consider that it impacts significantly on, and does not undermine, the purpose of the Urban Open Space designation.
11. In reaching my conclusion, I have had regard to all matters raised upon which I have not specifically commented. For the reasons stated above, I conclude that the development preserves the character and appearance of the Conservation Area and does not have an adverse effect on the purpose of the Urban Open Space designation. Thus, the development is in accordance with saved UDP Policies BE1, G8 and BE11.
12. 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.
13. 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 shed is already constructed. I note that the Planning Officer's Report recommended the imposition of a condition requiring the use of the shed to be incidental to the residential use of the main house. 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