

Appeal Decision

Site visit made on 14 March 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 05 April 2017

Appeal Ref: APP/G5180/W/16/3165321

Land at Forest Lodge, Westerham Road, Keston, Bromley BR2 6HE

- 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 Millgate Developments Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02119/FULL1, dated 28 April 2016, was refused by notice dated 21 November 2016.
 - The development proposed is the erection of a detached building comprising 5 no. 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the application, the proposal was amended, reducing the number of units proposed from six to five.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the Bromley, Hayes and Keston Commons Conservation Area (CA) and the setting of Forest Lodge, a locally listed building and ii) the character and visual amenity of the Green Belt.

Reasons

Character, appearance and setting of heritage assets

4. By way of context, the Council's Supplementary Planning Guidance (SPG) for the CA identifies the character of the Keston Common area in terms of the grouping of lakes which create large open spaces in an otherwise wild and wooded area. Forest Lodge is identified as a substantial Arts and Crafts House aligning north-south, with extensive gardens sweeping down to the ponds to the west. Whilst not specifically identifying the appeal site, the SPG states that open spaces around and between buildings are a very important part of the character and appearance of the area forming the rural setting of principal contributory buildings. It states that where areas or buildings are characterised by open settings, wooded grounds or gardens, the introduction of additional buildings may not be appropriate.
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5. The appeal site is part of the steep sloping and open grounds of Forest Lodge. It lies within the Keston Commons part of the CA and is visible from public footpaths passing alongside the woodland and ponded area to the west. During my visit I viewed the appeal site from this perspective. Although the site and adjacent Forest Lodge building are screened to a degree by mature boundary planting and would be further obscured from view during the summer months, these features are, nevertheless, more than just fleetingly visible from a number of viewpoints along the western side of the adjacent pond. From there, Forest Lodge appears as a fine and substantial building set on elevated ground with its sequence of chimneys and steeply sloping roof gables. The open setting of its sloping surroundings serve to emphasise the presence of Forest Lodge, moderated by intervening boundary trees which filter views of the building so that it does not appear excessively imposing.
6. I acknowledge that the proposed building has been reduced in scale, incorporating a split level design conforming to the steep sloping embankment within which it would be set. It would also be sited at a lower ground level and subordinate in scale compared to Forest Lodge and would allow for continued long distance views from the ponds area towards the backdrop of mature woodland further to the east. However notwithstanding this, the proposed building would still form an imposing structure, viewed from the west, that would compete for attention with Forest Lodge, intruding into the openness and tranquillity of its foreground setting.
7. It seems to me that the special interest of Forest Lodge derives from its age, form and appearance. The elements of setting that contribute to its significance include its close relationship with the ponds area to the west, as the grounds of the property sweep down in this direction, and from where there is significant visibility of the building. In that context, the proposal would result in harm to the setting of Forest Lodge.
8. From a closer range perspective, within the grounds of Forest Lodge itself, the perception of harm to the open setting of the building would not be as great. However this would not overcome the harm I have identified above.
9. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, the development would result in less than substantial harm to the character and appearance of the CA. Indeed there is no dispute between the parties that the proposal would result in such a degree of harm.
10. The proposal would therefore conflict with Policies 7.4 and 7.8 of the London Plan 2015 (LP) and Policies H7, BE1, BE10 and BE11 of the London Borough of Bromley Unitary Development Plan 2006 (UDP) insofar as they seek to secure high quality design that recognises the quality of its surroundings, does not detract from the landscape and specifically respects the layout, scale and form of existing buildings and spaces in Conservation Areas whilst protecting the setting of locally listed buildings.
11. The appellant has referred to a previous planning permission granted by the Council for residential development in close proximity to Ravensbourne House, also a locally listed building, situated a relatively short distance to the north of the appeal site. The appellant considers that there is similarity between the

circumstances of that case and the current appeal which weighs in favour of granting planning permission.

12. Whilst I have been provided with some documentation relating to that development, the case appears to have a long planning history and I am not familiar with the circumstances that led to the original grant of planning permission dating back a number of years. It appears, from information in the officer report, that weight was given to the existence of an extant permission, with a latter proposal regarded by the officer as more complementary, than the originally permitted dwellings, to alterations approved to the main building. From the information before me, that case is not therefore comparable to the current appeal. In any event each proposal must be considered on its own merits and that development does not justify the harm I have identified in this case.

Green Belt

13. The appellant states that the importance of the Green Belt lies in its openness rather than its character, a point with which I would concur. There is no dispute between the parties that the proposed development would not encroach into the Green Belt and would not therefore result in harm to its openness.
14. Whilst the appeal site would be adjacent to the Green Belt designation and the development would encroach into the open setting of Forest Lodge, a degree of separation and openness would be retained in relation to the designated area. I am not therefore persuaded that the proposal would result in harm to the character and visual amenity of the Green Belt. As such there would not be conflict with Policy G6 of the UDP insofar as it seeks to avoid such an impact.

Planning Balance and Conclusion

15. Whilst I have not found harm to the character and visual amenity of the Green Belt, I have found that there would be harm to the character and appearance of the CA and the setting of the locally listed building known as Forest Lodge. Whilst that harm would be less than substantial in terms of the guidance in the National Planning Policy Framework (the Framework), there would still be real and serious harm which is a consideration of significant weight. In such circumstances, the Framework requires that such harm is weighed against the public benefits of the proposal.
16. The development would result in some job related benefits and support to businesses associated with the construction of the dwellings. It would contribute five units to the supply of housing which I have no reason to doubt would be high quality. Furthermore, future occupiers of the apartments would, in all likelihood, give rise to additional expenditure in the local economy which may also help to support local services. That said, such benefits would be very limited due to the small scale of development involved.
17. Although I have no reason to doubt that traffic generated by the development would be less than that associated with the previous office use of the site, that use is no longer operational and accordingly the impact of the proposal in this regard should be taken as a lack of harm rather than a public benefit. Although additional planting may serve to enhance screening of the development from the west over time, it seems to me that this misses the

point of the desirability of retaining, so far as possible, the existing views of Forest Lodge and its open surroundings. The appellant argues that New Homes Bonus (NHB) payments available to Councils to incentivise new housing development should weigh in favour of granting planning permission. However the Planning Act qualifies how local finance considerations may be taken into account in respect of determining a planning application, stating that they need to be material to the application. It has not been set out how NHB payments would be material to the current proposal. These considerations do not therefore carry weight in favour of the proposed development.

18. Drawing all these findings together, even were the Council unable to demonstrate a five year housing land supply (the position of the appellant, which is contested by the Council), I am firmly of the view that providing additional housing in a time of need, together with the other public benefits set out above, would not outweigh the harm to the heritage significance of the locality. In the overall planning balance, the adverse impacts I have identified significantly and demonstrably outweigh the benefits when assessed against the policies of the development plan and the Framework. Accordingly, the proposal in this case does not amount to sustainable development and the presumption in favour of such, as set out in the Framework, does not apply.
19. Therefore, for the above reasons, and having regard to all other matters raised, including that there has been support for the development expressed by some third parties, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR