
Appeal Decision

Site visit made on 8 May 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/G5180/W/17/3168270

5 and 6 Leonard Place, Westerham Road, Keston BR2 6HQ

- 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 Mr Gareth Blewett against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05312/FULL6, dated 18 November 2016, was refused by notice dated 16 January 2017.
 - The development is described as "Joint application for double storey side and rear ground floor extensions."
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be firstly, whether the proposed development would preserve or enhance the character or appearance of the Bromley, Hayes and Keston Commons Conservation Area; and secondly, the effects of the proposed development on the living conditions of the occupants of Nos 4 and 7 Leonard Place in terms of the availability of light and outlook.

Reasons

The Conservation Area

3. The appeal building is a pair of semi-detached dwellings, set back from Westerham Road, and located within the Bromley, Hayes and Keston Commons Conservation Area. Of two-storeys, with No 5 faced in brick, and No 6 in render, the appeal building has a hipped roof. To the rear the appeal building has a two-storey outrigger set in from the flank walls of the main building, with the ridge of its gable ended roof set down from that of the appeal building's principal roof. Single-storey extensions of differing scales and characters are attached to the rear of the outrigger. The appeal dwellings, and their near neighbours, have deep back gardens with mature trees to the rear imparting a leafy character to the surroundings.
 4. Along with the similar adjacent dwellings the appeal building's symmetry and roof-scape contribute to the group value of the buildings close to the Keston Mark crossroads. These matters, taken together with the survival of historic features and details on the appeal building, including its chimney stacks and
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outrigger, contribute to the character, appearance and historic and aesthetic significance of the wider Conservation Area.

5. The proposed development would introduce comprehensive alteration to the rear and sides of the property, with a full width and full height extension at the first floor level. A single-storey extension would wrap around the building to the rear of the two-storey element and to its sides stopping short of the existing doors in the flank walls of the appeal dwellings.
6. Taken together the proposed development's excessive width, scale and depth would result in a bulky extension that would overwhelm the proportions of its host building. Moreover, due to these matters the proposed development would result in a roof form, the bulk and linear emphasis of which would be wholly at odds with those of its neighbouring properties, and as a result read as an incongruous and discordant element within the streetscene, where due to gaps between the properties, and the gentle slope of the road, the roof's excessive scale would be readily discernible. As a consequence, this would erode the appeal building's contribution to the group value of the dwellings close to Keston Mark.
7. The proposed development's harmful effects in these regards would be exacerbated by its removal of a great deal of historic fabric including the outrigger, and two of the appeal building's chimney stacks, that contribute to its historic character and significance, and to the articulation of its roof-scape.
8. These harmful effects would not be relieved by maintenance of a 1m side access to each boundary, or the use of matching materials. I saw that the character and detailing of outriggers in nearby properties varies. However, this does not diminish the contribution of the appeal building's outrigger to the character of its host properties or the wider area, or serve to establish a development pattern with which a proposal as dominant as the appeal scheme would readily assimilate.
9. For the reasons given above, the proposed development would cause considerable harm to the character and appearance of its host building, and consequently would cause harm to the significance of the Bromley, Hayes and Keston Commons Conservation Area. Thus mindful of my duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the proposed development would fail to preserve the character or appearance of the Conservation Area. Moreover, the proposed development would also conflict with Policies BE1, BE11 and H8 of the Bromley Unitary Development Plan (adopted July 2006) (the UDP); and the Supplementary Planning Guidance for Bromley, Hayes and Keston Commons Conservation Area (adopted April 2005). Taken together, and amongst other matters, the policies and guidance seek to ensure that development does not detract from the existing streetscene, and respects the layout, scale, form and materials of existing buildings and spaces within conservation areas.

Living Conditions

10. I saw that No 4 has several windows at the ground and first floor levels of its flank wall facing No 5. Moreover, the site level of No 4 is markedly lower than that of No 5. I also saw that there are no windows on No 4's rear elevation serving those rooms that the flank windows serve. The proposed development would introduce flank walling much closer to the ground and first floor windows

to the rear corner of No 4 than at present, of a considerable scale and depth that would loom large in the view from them. As a result, the proposed flank wall would thus constitute an overbearing and enclosing presence that would reduce the outlook available to the occupants of No 4 from these windows to a material degree, and as a consequence be of considerable harm to their living conditions. Furthermore, these aspects of the proposed development would also, due to the orientation of the properties, materially reduce the natural light available to the first floor corner window, and this would also cause harm to the living conditions of the occupants of No 4. Whilst the proposed development would not cause undue shading to No 4's garden this is not a matter that would outweigh the material reduction in light available through the first floor window.

11. I saw that in terms of No 7, there were no flank wall windows that would face the proposed development. Whilst the proposed development would be visible obliquely from the rear windows of No 7 it would not be so to a degree that would constitute an enclosing or overwhelming presence within the views available from them. Moreover, due to the separation distance between No 7 and the proposed development combined with the orientation of these properties, I consider that the appeal scheme would not reduce the level of natural light available to No 7's rear windows to any material degree. For these reasons, I consider that the proposed development would cause no material harm to the living conditions of the occupants of No 7 in these regards.
12. Whilst I have detected no material harm would be caused to the living conditions of the occupants of No 7 as a result of the proposed development, this would be demonstrably outweighed in the overall planning balance by the considerable harm it would cause to the living conditions of the occupants of No 4 in terms of the availability of light and outlook. The proposed development would thus conflict with Policy BE1 of the UDP in these regards, which, amongst other matters, seeks to ensure that development respects the amenity of occupiers of neighbouring buildings.

Other Matters

13. I note that no objections were received in respect of the proposed development at application or appeal stage. I am also mindful of the appellant's comment that the occupiers of neighbouring properties have been supportive of the scheme; however, I have not been supplied with any substantive evidence in this regard. In any event, when balanced against the harmful effects of the proposed development this is a matter that does not carry any considerable weight in its favour.

Conclusion

14. Due to the scale and nature of the proposed development's effects, I consider that it would cause less than substantial harm to the significance of the Conservation Area. Nevertheless, the National Planning Policy Framework (the Framework) establishes that less than substantial harm does not equate to less than substantial weight in the overall planning balance and that development proposals should only be permitted where their public benefits outweigh the harm, or result in the optimal viable use of a heritage asset. In the current case no substantive evidence has been produced to suggest that the appeal development would result in an optimum viable use. Neither have any public

benefits been advanced in support of the proposed development. As a consequence, I consider that the proposed development would conflict with the Framework in this respect.

15. The proposed development would also conflict with the development plan, insofar as the policies that have been drawn to my attention are concerned, and no material considerations have been advanced that outweigh this conflict. Thus, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR