
Appeal Decision

Site visit made on 18 July 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 2 August 2017

Appeal Ref: APP/G5180/D/17/3177098

Farfield, 43 Park Avenue, Farnborough, Orpington BR6 8LH

- 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 Lee May against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00146/FULL6, dated 12 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is the renovation of existing dwelling including elevational alterations, ground floor rear extensions, first floor rear extensions, and accommodation in roof space above house and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character and appearance of the Farnborough Park Conservation Area;
 - the effect of the proposal on the living conditions of the occupiers of No 41 with particular regard to outlook and light.

Reasons

Character and Appearance

3. The appeal property is located within the Farnborough Park estate which is a Conservation Area. Whilst I have not been provided with a Conservation Area Appraisal, the Council has produced Supplementary Planning Guidance for Farnborough Park (SPG). The SPG finds that the main interest of the Conservation Area lies in the innovative way that it 'incorporated the pre-existing landscape into a high quality built development, allowing scope for the construction of large and individualistic private homes in a manner more typical of American suburban development than of development of a similar age in England.' The SPG emphasizes the importance of the landscape framework and recognises that the Park contains a broad range of house types and styles. These include Arts and Crafts, neo-Classical and some Modernist influenced designs. This is a reasonable summary of the significance of the heritage asset.
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4. The SPG advises that, where an existing dwelling does not make a positive contribution to the character and appearance of the Park, redevelopment may be possible. The appeal property is not locally listed or referred to specifically in the SPG.
5. The property is a substantial two storey dwelling with an attached double garage to the side. Its planning history shows that the building was originally constructed as part of the Park development, but has subsequently been substantially extended and altered¹. It nevertheless retains clear Arts and Crafts influences in its gabled main roof form, tall chimney, fenestration and two storey hipped roof front projection. The appellant argues that previous extensions unbalance the front façade. However, asymmetry and informality is characteristic of the Arts and Crafts movement.
6. I recognise that the applied neo-Tudor panelling is a relatively recent addition to the building. However, it too is in the Arts and Crafts tradition and such panelling is typical of a number of buildings in this part of the Park. Whilst there is considerable variation in house types and styles across the Park as a whole, in the vicinity of the appeal site, Arts and Crafts influences are prevalent.
7. Consequently, although previous extensions and alterations have somewhat diluted the character of the original building, I consider that, in its present form, the building still makes a positive contribution to the character and appearance of the Conservation Area.
8. The appeal proposal involves one and two storey extensions to the rear of the existing building and the creation of accommodation at second floor level. Whilst the position and overall width and height of the front elevation of the main building would not change significantly, its appearance, along with that of the rear and both side elevations, would be transformed. The altered building would have a more formal, neo-Classical appearance. However, notwithstanding the appellant's concern that the existing building is unbalanced, the front elevation of the altered building would not be symmetrical. The bays immediately flanking the middle projecting gable would have markedly differing fenestrations and would be different widths. Although this may be the result of seeking to stay within the footprint of the existing building, the unbalancing effect would be more damaging in a design where a formal appearance is sought than in the Arts and Crafts influenced existing building. The SPG recognises that symmetry is a characteristic of neo-Classical design.
9. I recognise that there are properties designed in the neo-Classical style elsewhere in the Park. However, there are none in the immediate vicinity of the appeal site. The loss of the Arts and Crafts elements in the existing building would diminish the contribution of the site to the locally distinctive clustering of this style of architecture.
10. I have no reason to doubt that the proposal would incorporate high quality detailing and materials and be completed to a high standard. However, for the reasons set out above, I consider that the proposal would make a lesser contribution to the character and appearance of the heritage asset than the existing building.

¹ Illustrated in Figure 1 of the appellant's statement

11. The proposal includes a double garage with first floor accommodation to the side of the main building. The proposed garage would be contained within the footprint of the existing attached garage and would, therefore, sit some 1.0m to 1.3m from the boundary with No 41. However, by virtue of the first floor accommodation, it would be considerably taller and more bulky, notwithstanding its mansard roof form. It would, therefore, close down the space to the side of the building.
12. The proposal would not increase the height and width of the front elevation of the main building. However, the introduction of dormers at second floor level would add to its scale. Moreover, comparing the size of the building as it exists with the original building, it is apparent that the spaciousness of the site has already been reduced significantly. The SPG requires particular attention to be paid to maximising front and side space when considering extensions. I consider that, cumulatively with previous extensions, the proposal would result in a damaging loss of spaciousness at the appeal site.
13. In reaching this conclusion I have had regard to the two storey side extension which was previously allowed on appeal². That permission has lapsed and, therefore, does not represent a realistic fall-back position. Nevertheless, I recognise that the Inspector considered the extension to be acceptable having regard to the provisions of the SPG. However, he considered the effects of the extension in relation to the building as it then existed and there is nothing in the decision to suggest that he was made aware of the reduction in the spaciousness of the site which had already occurred. Moreover, whilst the overall height of that extension would have been greater than the garage now proposed, its flank wall would have set back from the boundary with No 41 further than the first floor of the proposed garage. This would have left more space between the side of the building and the boundary with No 41. Consequently, I find that the previous appeal decision does not provide a robust justification for the current proposal.
14. The appellant argues that, since the proposal is to remodel and extend the existing building, rather than demolish and replaced it, the scheme is of a lower level of sensitivity in conservation terms. However, rather than its physical fabric, the heritage significance of the existing building lies in its form, massing and appearance, all of which would be negatively impacted by the appeal proposal.
15. Consequently, I find that the proposal would not preserve or enhance the character and appearance of the Conservation Area. As such, it would conflict with Policies BE1 and BE11 of the Council's Unitary Development Plan 2006 (UDP). Amongst other things, these policies require extensions in Conservation Areas to be of a high standard of design, to preserve or enhance the character and appearance of the area and to respect the scale and form of existing buildings and also respect the existing landscape. The proposal would also conflict with UDP Policy H9 which requires extensions to provide generous side space where high standards of separation exist in residential areas. Nor would the proposal draw support for the SPG insofar as it allows for the replacement of buildings which do not make a positive contribution to the Park.
16. Furthermore, the proposal would not comply with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special

² Appeal reference APP/G5180/A/09/2117083

attention to be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas, or National Planning Policy Framework (the Framework) paragraph 131, which has similar aims.

17. In terms of the assessment required by Framework paragraph 134, the appellant argues that the proposed front facade would be an enhancement over the existing building. However that is an aspect of the assessment of the effect of the proposal on the heritage asset rather than a potential public benefit in its own right. Moreover, the appellant accepts that the proposal would lead to less than substantial harm. In any event, I have found that the proposal would be harmful to the heritage asset. I have not been made aware of other public benefits of the proposal.
18. The second reason for refusal also cites UDP Policy H7. However, this policy is mainly concerned with housing density and adds little to my consideration of this main issue.

Living Conditions

19. The dwelling at No 41 has rear facing windows and a lawned area close to the boundary with the appeal site. I have already referred to the proximity of the proposed garage to the boundary with the neighbouring property. This two storey element of the proposal would extend some 5.2 beyond the rear wall of No 41 at a height of some 6.3m³. Due to the steepness of the pitch of the roof, the mansard form would reduce the bulk of the extension only slightly. A single storey extension would project a further 8.8m to the rear of the garage, albeit stepped slightly further away from the boundary.
20. The proposal would, therefore, add significantly to the overall height and bulk of built form close to the boundary with the neighbouring property compared with the existing building. Therefore, even having regard to the existing boundary planting and fencing, I consider that the appeal proposal would have an overbearing effect on the outlook from the rear windows and rear garden of No 41.
21. The proposed extensions would be located to the south and east of the neighbouring property. Consequently, given its proximity to the boundary, the two storey element in particular would cast a shadow over the private garden area immediately behind the neighbouring house.
22. I have had regard to the extant planning permission for a single storey extension to the existing building⁴. Whilst I recognise that this would increase the length of the existing building close to the boundary with No 41, it would be some 4m shorter and slightly less tall than the single storey extension now proposed. Nor would it have effects on the neighbouring property comparable to the two storey garage. Since the earlier permission for the two storey side extension has lapsed, it would be inappropriate to compare its effects with the current proposal.
23. Therefore, I find that the proposal would have a harmful effect on the living conditions of the occupiers of No 41 by reason of loss of outlook and sunlight. As such, the proposal would conflict with UDP Policy BE1 insofar as it requires

³ These measurements are from the officer's report and have not been disputed by the appellant.

⁴ Application reference 14/04618/FULL6

development to respect the amenity of neighbouring occupiers with regard to loss of light, amongst other things.

24. There is no substantive evidence to indicate that the proposal would lead to a loss of privacy or cause noise and disturbance to neighbouring occupiers. However, the absence of further harm does not outweigh the concerns set out above.

Other Matters

25. The appellant has drawn my attention to proposals to replace dwellings at 12 and 19 Park Avenue. However, each application or appeal must be considered on its merits. Therefore, although I recognise that there is not an 'in principle' objection to replacing (or in this case substantially altering) existing houses at the Park, it is necessary to consider the respective merits of the existing and proposed buildings in each case. My decision has been made on this basis.
26. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

27. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR