
Appeal Decision

Site visit made on 1 November 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 16th November 2017

Appeal Ref: APP/G5180/D/17/3180075

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/17/01264/FULL6, dated 16 March 2017, was refused by notice dated 23 June 2017.
 - The development proposed is detached timber outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for detached timber outbuilding at 13 Riverside Close, Main Road, Orpington BR5 3HJ in accordance with the terms of the application, Ref DC/17/01264/FULL6, dated 16 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Revised Drawing (elevations and floor plans) (dated 31/05/2017).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials set out in the planning application form.

Application for costs

2. 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.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area including the St Pauls Cray Conservation Area and the Urban Open Space designation.

Reasons

4. Riverside Close is a residential development of terraced properties with rear gardens immediately adjacent to the River Cray. The appeal site is an irregular shaped parcel of land detached from No 13 which is enclosed by a close boarded timber fence adjacent to the communal car park for Riverside Close.

5. The site lies within the St Pauls Cray Conservation Area (SPCA). The Councils St Pauls Cray Conservation Area Supplementary Planning Guidance states that the area is a historic settlement on the River Cray which retains the atmosphere of a village centre. Its significance is derived from the diverse building stock, reflecting its evolution over time and the use of vernacular materials and construction methods. The main conservation objective is to ensure the survival of the informal village character of the conservation area.
6. In reaching my decision, I must have regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty upon me to give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The majority of the rear gardens which face the river are enclosed by fencing, some of which contain domestic outbuildings. The proposed plans were amended during the course of the application reducing the scale of the building to approximately 5.5m by 2.6m with a maximum of height of around 2.7m. The building would have the appearance of a domestic shed and is of a simple design and form. The surrounding close boarded fence would substantially screen the building and together with its modest height, it would not be visually prominent. The building would not be unduly large and clearly subordinate to the adjacent residential properties. Given its context the proposal would not look out of keeping. Consequently, the proposal would not have an adverse impact on the character or appearance of the SPCA thereby preserving it.
8. I note that the appeal site previously belonged to an open area and as such is defined as Urban Open Space which Policy G8 of the Bromley Unitary Development Plan (2006) (UDP) seeks to protect. However, the majority of the area is now enclosed by fencing which has reduced its contribution somewhat. In this respect, I agree with the Inspector's decision at 8 Riverside Close¹ that a shed would be related to the domestic use of the property at No 13 within the wider residential use of the land at Riverside Close. Furthermore, given its modest scale and height and enclosure by fencing it would not unduly impair the purpose of the Urban Open Space designation.
9. I therefore conclude that the proposal would not have a materially harmful impact on the character and appearance of the area including the SPCA and the Urban Space Designation open space designation and find no conflict with Policies BE1, G8 and BE1 of the UDP in this regard. These seek to ensure that, amongst other things, development should be of a high quality design that does not detract from the existing street scene, should preserve or enhance the character and appearance of conservation areas and those proposals for built development in areas defined as Urban Open Space should not unduly impair the open nature of the site.

Other Matters

10. Numerous representations were received both in objections to and in support of the proposal to which I have had regard. My attention has been drawn to a previously refused application at the site. From the very limited details before

¹ APP/G5180/D/16/3164920

me it appears that the amended plans submitted during the course of the application reduced the scale of the proposed outbuilding to that which was previously refused. I am aware that the outbuilding at No 8 allowed on appeal was of a slightly smaller scale to that before me. Nevertheless, each application and appeal must be determined on its own merits.

11. Whilst I note that the outbuilding would be visible from the first floor windows of neighbouring properties, due to its modest scale it would not be overbearing nor would it lead to a feeling of enclosure within the car park which is already bound by the fence. There is no intrinsic right to a view.
12. Rights of access and restrictive covenants are civil matters which have no bearing on the planning merits of the case. The erection of a gate across the private footpath is not a matter before me. I can only determine the appeal on the basis of the details before me, which is for a domestic outbuilding, and cannot take into account the possibility of future uses. Should the appellant wish to use the building for business use then this would be a matter for the Council to consider. The breach of other planning permissions at the site does not affect the consideration of this appeal. There is no compelling evidence that the proposal would lead to an increase in deliveries at the site. Whilst the building may be visible from the footpath on the opposite side of the River Cray, for the aforementioned reasons, I have found that there would be no material harm to the character and appearance of the area. It is not of relevance to the determination of the appeal whether the occupants of No 12 or No 13 would use the shed for storage.

Conditions

13. I have imposed a condition stipulating the plans in order to ensure certainty. Whilst the Council suggested a condition requiring materials to match the existing, as the outbuilding would be detached and of different materials to the dwelling, I have imposed a condition requiring the materials to be as those as stipulated on the application form. Whilst I note the Officer's Report recommended a condition requiring the use of the shed to be incidental to the residential use of the main dwelling, this was not suggested by the Council at appeal. Given the scale and location of the building I do not consider it reasonable or necessary to impose such a condition in this instance.

Conclusion

14. For the reasons given above and taking all matters raised into account, I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR