
Appeal Decision

Site visit made on 7 November 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 28th November 2017

Appeal Ref: APP/G5180/W/17/3180360
29 Croydon Road, Keston BR2 6EA

- 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 Rafael Porzycki against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00445/FULL1, dated 31 January 2017, was refused by notice dated 22 March 2017.
 - The development proposed is described as 'demolition of 2 storeys residential dwelling and erection of single block of 7 x 2 bedroom apartments with associated access, 7 parking spaces, integrated into building cycle storage for 14 bikes and refuse store'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within his statement the appellant has suggested the application was made in outline. However, like the Council, I have considered the proposal as a 'full' application for planning permission as the relevant form in this regard was completed and sufficient details have been provided to enable me to do this.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Keston Park Conservation Area and provide adequate living conditions for future occupants, with particular reference to outlook; and
 - The effect of the appeal scheme on the living conditions of the occupants of 46 Forest Ridge, with particular reference to privacy and outlook, and the effect on highway safety, with particular reference to congestion and the free flow of traffic.

Reasons

Whether the proposed development would preserve or enhance the character or appearance of the Keston Park Conservation Area (CA);

4. It is apparent that the Keston Park Estate, upon which the CA is focussed, is a distinctive section of town scape being characterised by large properties in large plots. The estate is very generously landscaped given its historical

connection to the Holwood House Estate. As such, the CA has a spacious and verdant character and this appearance is reminiscent of an American suburban development. The layout of the estate, taken together with the interwar architecture¹, combines to create an early 20th Century townscape of notable significance.

5. The existing building within the appeal site is a detached dwelling that appears to date from the interwar period. It is positioned at the entrance to the estate on slightly elevated ground relative to Croydon Road. As such, it is in a prominent position at a gateway to the CA. The plot is also spacious and generously landscaped along its boundaries.
6. Save for the insertion of unsympathetic plastic windows the building appears to be broadly unaltered thereby retaining its simple form, including a prominent gable and a subservient hipped roofed section. The building also presents some attractive detailing including well-proportioned bay and dormer windows, a brick plinth and imposing chimneys. There is also attractive brickwork and sections of tile hanging breaking up the white painted render.
7. The wider area is characterised by similar buildings but the Council suggest that the existing property within the appeal site was constructed as part of an early phase of the Keston Park Estate. The appellant has not disputed this suggestion. This increases the building's significance as a component of the CA. Overall, the existing building is a good example of the architecture and layout that affords the Keston Estate its significance. Thus, it is a heritage asset that contributes positively to the CA as a whole.
8. There is nothing before me to suggest the existing building within the appeal site is unsound, requiring prohibitively expensive repairs or has any other inherent failing that would justify its demolition. At the time of my visit it was occupied and this suggests it currently has a viable use. These factors weigh against demolishing the building.
9. The appellant has tried to justify the demolition of the existing building by attempting to design a replacement that he considers would preserve or enhance the CA. However, whilst the plot would retain a verdant appearance and the flats would respect the building line with 27 Croydon Road, they would not be of a sufficient quality of design commensurate with its location in a CA. In particular, the flats would be deep in plan and block like in form due to a lack of articulation along the side elevations. Unlike nearby properties, there would be little sense of hierarchy to the overall shape of the building which could otherwise reduce its considerable massing. As such it would be a bulky addition of insufficient quality. Moreover, there would be a lack of the detailing that is a defining feature of other properties in the CA², such as ornate chimneys.
10. The increased ridge height and depth, whilst similar to the neighbouring property, would nevertheless result in the proposed building being more prominent and dominant in a sensitive corner position. This would be a notable limitation given the inadequate design the building would exhibit. This impact would not be sufficiently softened in the short term by additional landscaping,

¹ In the CA this is often based on the arts and craft movement and is evident in many of the buildings therein

² Careful consideration would need to be given to the materials used, including the appropriateness of plastic windows and interlocking roof tiles, but these are matters that could be addressed through planning conditions had the scheme being otherwise acceptable.

which would take time to mature. Moreover, unacceptable development should not be hidden by landscaping as it could fail in the future. Due to its prominent position and limitations in the design, the proposed building would harm the character and appearance of the CA when viewed from Croydon Road and Forest Drive.

11. In coming to this view I note that 27 Croydon Road is currently being redeveloped and would be larger. Be this as it may, the appeal scheme would be unacceptable for the specific reasons I have given. The works at the adjoining site would not justify the harm I have identified. Likewise, there is no direct comparison between the appeal scheme and the development at 71 Broomhill Road and therefore this is a matter of very limited weight.
12. Although serious, the harmful impact to the CA would be localised. As such, the harm would be less than substantial within the meaning of the National Planning Policy Framework (the 'Framework'). A public benefit of the proposal is that it would deliver additional homes. This would add to the local housing supply, boost the construction industry and support local services. These are notable benefits but are not sufficient, in my view, to outweigh the harm to the CA that would arise from removing the existing building and the inadequate design of its replacement. I have reached this conclusion having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of CA.
13. I therefore find that the serious harm that would flow from the proposal would not be outweighed by public benefits and this would result in a conflict with Paragraphs 132, 134 and 135 of the Framework. This is because the harm to the CA, and the existing building as a heritage asset, would not have a clear and convincing justification. The Framework requires great weight to be given to the conservation of designated heritage assets. As such, my overall conclusion is that the proposal would result in serious harm to the significance of the CA. Its character or appearance would not be preserved.
14. The proposal would therefore be contrary to Policies BE1, BE11, BE12 and H7 of the London Borough of Bromley Unitary Development Plan 2006 (UDP), which seek to secure development that preserves or enhances the character or appearance of conservation area, is of a high standard of design and respectful of the existing context. This is consistent with Paragraphs 17 and 58 and Section 12 of the Framework. As such, the relevant development plan policies, and the subsequent conflict with them, can be afforded significant weight. The proposal would also be in conflict with Policies 7.4, 7.6 and 7.8 of the London Plan (LP), which have similar aims to the UDP policies referred to above.

Whether the proposed development would provide adequate living conditions for future occupants with particular reference to outlook

15. The outlook from the bedrooms in Flats 4, 5, 6 and 7 would be through roof windows that are shown on the drawings to be positioned in the roof slope around 1.5 metres above the finished floor level. This would limit the outlook from these bedrooms. However, this would not result in inadequate living conditions as the roof windows would still provide some visual connection to the town scape around the appeal site. Moreover, the flats would have generous living areas and therefore the bedrooms need not be used

intensively. The design could be improved to present an enhanced outlook but that does not mean what the appellant has proposed would be unacceptable.

16. Flats 1 and 2 would have the main living accommodation in a lower ground floor. The outlook from which would be into a sunken garden. The sunken gardens would be large enough to be landscaped and there would be some visual connection with the communal garden beyond. On balance, I am satisfied the outlook from Flats 1 and 2 would not be so poor, enclosed and constrained as to amount to inadequate living conditions for the future occupants.
17. Consequently, I find no conflict with Policies BE1 and H7 of the UDP. These policies seek to deliver developments that respect the amenity of future occupants. An ambition that is consistent with Paragraph 17 of the Framework. Nor would there be any conflict with Policy 3.5 of the LP, which has similar aims to the relevant policies in the UDP, or the standards in the Housing SPG³.

The effect of the appeal scheme on the living conditions of the occupants of 46 Forest Ridge

18. 46 Forest Lodge (No 46) is located to the rear of No 29. The rear elevation of the proposed building would be located closer to the side elevation of No 46 than that of No 29. The Council have suggested that the distance from the rear elevation of the proposed flats to the rear boundary of the appeal site would be around 6.5 metres. The appellant has not disputed this. As a result, the rear windows in the proposed flats, and the two balconies, would provide an aspect towards No 46 at a notably closer distance than the current situation.
19. It would be possible to see into the rear garden of No 46 from these vantage points. There is also a side window in No 46 which would be overlooked. The appeal scheme would harmfully diminish the privacy of the occupants of No 46, including the perception of privacy, in a spacious area characterised by high levels of privacy. Screening the balconies to prevent overlooking would harmfully limit the outlook from the relevant flats. The existing rear boundary hedge would provide some mitigation and screening but it cannot be relied upon for the life of the proposed development as it may fail, die or be replaced.
20. I therefore conclude that the appeal scheme would harm the living conditions of the occupants of No 46 and this would be contrary to Policies BE1 and H7 of the UDP, which require new development to respect the amenities of neighbours. This is consistent with Paragraph 17 of the Framework. The proposal would also be at odds with Policy 7.6 of the LP, which has similar aims to the relevant policies in the UDP.

The effect of the appeal scheme highway safety, with particular reference to congestion and the free flow of traffic

21. I have not been presented with substantive evidence to suggest the appeal scheme could not achieve sufficient visibility at the site access commensurate with the speed of traffic along Croydon Road. Additionally, there are many access points along Croydon Road, including the entrance to the Keston Park Estate, and these appear to be functioning without incident. As such, the appeal scheme would provide safe and suitable access.

³ Mayor of London Housing Supplementary Planning Guidance 2016

22. The appeal scheme would include a sufficient number of parking spaces, albeit tightly laid out. The appellant has provided a swept path analysis that demonstrates the spaces would function adequately. Moreover, Croydon Road is a red route so occupants of the appeal site are unlikely to park in this road when it is at its busiest. As such, the amount and layout of parking would be acceptable.
23. Traffic along Croydon Road may be slowed by occupants of the proposed flats undertaking right hand turns into the appeal site, especially if there is a vehicle attempting to exit the site at the same time. However, this is unlikely to be a common occurrence given the modest scale of the development and the correspondingly low number of vehicle movements. As such, there is nothing before me that suggests the appeal scheme would result in severe residual impacts in terms of congestion and the free flow of traffic.
24. I accept the appellant has provided little to suggest the access and its use would be safe and that the road has sufficient capacity to accommodate the development, but in the absence of any substantive evidence to suggest it would not, I see little point in requiring such details.
25. I therefore conclude that the appeal scheme would adhere to Policy T18 of the UDP, which seeks to protect users of the highway and address existing problems. This is consistent with Paragraph 32 of the Framework. The proposal would also adhere to Policy 6.12 of the LP.

Other Matters

26. The appellant has suggested that the proposal would amount to the development of previously developed land (PDL). However, as the appeal site is a private residential garden within a built up area, it is not PDL as defined in the Framework. As such, this is not a matter weighing in favour of the appeal scheme. The flats could be constructed to perform well by minimising carbon emissions but there is nothing to suggest the building would go beyond what is expected and therefore this would not be a determinative benefit.

Conclusion

27. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, the proposal is not sustainable development and for this reason, the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR