
Appeal Decision

Site visit made on 28 November 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 15 December 2017

Appeal Ref: APP/G5180/W/17/3180136

3 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 Bob Walker against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05500/FULL1, dated 24 November 2016, was refused by notice dated 3 March 2017.
 - The development proposed is demolition of existing house and garage; erection of replacement dwelling and remodelling of annex building to form garaging with flat above.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house and garage; erection of replacement dwelling and remodelling of annex building to form garaging with flat above at 3 Croydon Road, Keston BR2 6EA in accordance with the terms of the application Ref DC/16/05500/FULL1, dated 24 November 2016 and subject to the conditions set out in the schedule at the end of this decision letter.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the Keston Park Conservation Area (CA).

Reasons

3. The CA is characterised by large dwellings, set within very spacious plots and generally recessed within a mature landscaped setting. Dwellings are predominantly of traditional appearance, being mainly influenced by the arts and crafts movement and more formalised and symmetrical neo-classical designs. However there is a wide variation in architectural detail throughout the CA.
 4. The existing dwelling, which would be demolished, is set back within its plot and is a significant distance from Croydon Road. This combines with the very low density of development and maturity of landscape in the surrounding area, to ensure that the dwelling is substantially secluded. Whilst the front of the building would be visible from adjacent properties, albeit via significant intervening vegetation, it was apparent from my visit that only fleeting glimpses of a small part of the frontage are available from the highway on Croydon Road.
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5. The dwelling, incorporating white rendered walls, chimneys and hanging tiles is not unattractive in appearance and past alterations to the building do not appear disproportionate to or incongruous with its original form. However it seemed to me that the quality of the design as a whole, in terms of the emphasis and detail of adornments, is not particularly special or representative of the distinctive qualities of the CA. Therefore when taking into consideration its very limited visibility, I am firmly of the view that the contribution made by the existing dwelling to the character and appearance of the CA is a neutral one.
6. The proposed replacement dwelling would be significant in scale and contemporary in appearance, with extensive use of light coloured render, zinc cladding and glazing. However the use of contrasting materials; the vertical alignment of the fenestration and incorporation of a green roof and solar panels to increase the energy efficiency of the building, serve to enhance the quality of the design. Despite its significant form, the proposal would not appear cramped within its very extensive plot. Though taller than the existing dwelling it would continue to be secluded, with the second floor accommodation set in from the edges of the building therefore contributing to the dwelling's recessive appearance.
7. The existing mature tree planting within the site would be substantially protected with only a small number of specimens, undisputed to be of relatively low quality, needing to be felled. Accordingly the mature landscape framework, which forms a key component of the CA and which the proposed dwelling would remain subordinate to, would be preserved. Whilst differing markedly in design with the more traditional appearance of dwellings at Nos 1 and 5 Croydon Road, the proposal would be sufficiently set back from these properties and screened by intervening planting to ensure that it would not appear incongruous and that the layout, scale and form of its surroundings would be respected. In addition, the development plan sets out no resistance in principle to replacement dwellings within the CA and the presence of contemporary architecture there would not be unique.
8. The existing annex, proposed for renovation is a relatively small building of utilitarian design and lacking in fine architectural detail. Its appearance is at odds with the main dwelling and fails to positively influence the character or appearance of the CA. The renovated building would incorporate a flat roof, zinc cladding and rendered walls in keeping with the design of the proposed dwelling. The blank north elevation would, with its flat roof, appear somewhat bland and uninteresting. However its substantial set back from and screening in relation to Croydon Road would serve to mitigate visual impact.
9. Third parties have drawn my attention to a proposal for a replacement dwelling that was dismissed following appeal at Woodlands, located within the CA relatively nearby on Holwood Park Avenue. However it is apparent from the Inspector's decision letter that the proposed dwelling in that case was regarded as being unduly dominant within the street scene. Furthermore the removal of trees within the site was considered to give dominance to the built form rather than the landscape. The circumstances of that case are not therefore comparable to the current appeal.
10. I conclude that the proposal would preserve the character and appearance of the CA. For the aforementioned reasons it would accord with Policy 7.8 of the

London Plan 2015; Policies BE1, BE11 and BE12 of the London Borough of Bromley Unitary Development Plan 2006; Supplementary Planning Guidance for the CA; Draft Policies 41 and 43 of the Council's Proposed Submission Draft Local Plan and the National Planning Policy Framework insofar as they seek a high standard of design that respects the layout, scale, form and materials of surrounding buildings and conserves or enhances the surrounding historic environment.

Other Matters

11. There have been a number of further representations made by third parties. I am satisfied that the proposed dwelling, though substantial in scale, would be sufficiently separated from adjacent properties, whilst taking into consideration ground levels; the presence of mature perimeter planting and the implications of any screening provided by the existing garage to be demolished, so as not to result in material harm to the privacy or outlook of neighbours or cause disturbance due to light pollution.
12. Whilst the coming and going of construction related traffic might be expected to cause a degree of disturbance, this would be a temporary impact and so would not be a reasonable ground for withholding planning permission. The use of the site for commercial activity is not part of this proposal and therefore any concerns of this nature would be a matter for the Council to investigate and are not for my deliberations in this appeal.
13. The appellant's tree survey demonstrates that the development is able to proceed with minimal loss of specimens, ensuring that the root protection area of the remaining specimens would be protected. The footprint of the proposed building would be further away than that of the existing dwelling from the boundary with No 1 Croydon Road. I am therefore satisfied that the development could proceed without harm to existing trees located within that neighbouring property.
14. The implications of the proposal for surface water drainage can be dealt with through the imposition of a condition to ensure that surrounding landowners would not be adversely affected. I have no information before me to suggest that the water supply is an issue for the current property or would be in relation to the proposed dwelling. The need for the development to avoid compromising existing service cables and for the appellant to manage leaf fall from the surrounding area are private matters.
15. In terms of the potential for buildings proposed for demolition to accommodate bats, in the event that bats are discovered during the course of development, protection would be secured through the requirement for the developer to obtain a European Protected Species License.
16. A previous decision by the Council to refuse permission on design grounds for an extension to the existing dwelling has been drawn to my attention. However I have been provided with little information in this regard and must consider the current proposal on its own individual merits. Objectors have also referred to the existence of private covenants restricting development on the land. However such covenants are not a planning matter and do not preclude the grant of planning permission.

17. In terms of concerns regarding the potential future subdivision of the proposed building into several individual units, there is no evidence before me to indicate that this is the appellant's intention. In any event such a proposal, if it did materialise, would require a separate planning permission and would therefore be subject to the control of the local planning authority.

Conditions

18. I have considered the conditions suggested by the Council. Conditions specifying the plans and requiring details of the external materials, tree protection measures and finished levels are needed to provide certainty and to safeguard the character and appearance of the area.
19. A condition requiring the provision of a construction management plan is required to protect the living conditions of residents and in the interests of highway safety. A condition requiring drainage details is required to ensure the satisfactory drainage of the site.
20. The Council has suggested the inclusion of a further condition restricting normal domestic permitted development rights in the interests of visual amenity. However Planning Practice Guidance indicates that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I am not persuaded from the information before me that there is a need for such comprehensive restrictions to be applied. However, because the proposed swimming pool may give rise to a requirement for external air conditioning units which might have the potential to cause noise disturbance, I shall impose a condition to ensure that permitted development rights are removed in this specific regard.
21. Conditions controlling the details of car and cycle parking spaces are not required as these are already shown on the drawings.
22. I have made minor alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in national planning guidance.

Conclusion

23. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Roy Merrett

INSPECTOR

SCHEDULE OF 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; 151101-1B; 151101-2A; 151101-3; 151101-4; 151101-5; 151101-6; 151101-P7; 151101-S1; 151101-S2; PSF/1; PSF/2; PSF/3; PSF/4.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No site clearance, preparatory work, demolition or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 5) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection plan. The land within the fenced areas shall not be altered without the prior written consent of the local planning authority.
- 6) No development shall commence until details of the location and means of excavation for soakaways, trenches and pipelines for services or drains have been submitted to and approved in writing by the local planning authority and the excavations shall be carried out in accordance with the approved details.
- 7) The development hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed dwelling, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 9) No development shall commence until a Demolition / Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for safe vehicular access to the site for demolition and construction related traffic; loading and unloading of plant and materials including delivery hours; storage of plant and materials used in constructing the development; demolition and construction working hours and wheel washing facilities. The approved Management Plan shall be adhered to throughout the development period.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no mechanical air conditioning related equipment shall be erected.

END OF CONDITIONS SCHEDULE