



Appeal Decision

Site visit made on 9 July 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/G5180/W/19/3227819

Chapter One Restaurant, Farnborough Common, Orpington BR6 8NF

- 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 Tony Reynolds of Loca Shading Designs against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00272/FULL1, dated 18 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is to erect a retractable awning roof structure to cover the existing deck area, with full-height vertical glazing along the front elevation and two ends, to create a seating area which can be either fully enclosed or fully open, and an additional separate small awning to one side that will serve as a smoking shelter.
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Decision

1. The appeal is dismissed insofar as it relates to the full height vertical glazing and double doors to the front and side elevations, and the awning to serve as a smoking shelter. The appeal is allowed insofar as it relates to the retractable awning roof structure covering the existing deck area and planning permission is granted for the installation of a retractable awning roof structure to cover the existing deck area at Chapter One Restaurant, Farnborough Common, Orpington BR6 8NF in accordance with the relevant terms of the application, Ref DC/19/00272/FULL1, dated 18 January 2019, 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 (insofar as they relate to the retractable awning): Retractable Awning Structure to Front Terrace – 19502-1
 - 3) The awnings and associated structures shall be coloured black and this colour scheme shall be retained as such at all times.

Procedural Matter

2. The Keston Park Conservation Area boundary, as shown on plan ref BCA29 submitted with the appeal, shows the appeal site to be located outside the Keston Park Conservation Area. The plan is dated 23 January 1998. Another plan, Appendix 3 of the Council's Statement, shows the appeal site to be located within the Keston Park Conservation Area. The Council have confirmed

that the plan at Appendix 3 of their statement is the correct plan and that plan ref BCA29, sent with the appeal questionnaire, is outdated. I have therefore considered the appeal on the basis that the site is within the Keston Park Conservation Area as per the plan at Appendix 3.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area, with particular regard to the location of the site in the Keston Park Conservation Area.

Reasons

4. The appeal property is a detached, mock-Tudor, restaurant located in a prominent position on the junction of Farnborough Common and Crofton Road. The building occupies a slightly elevated position and is set back into the site with car parking at the front and side of the building. The site is located in the Keston Park Conservation Area (the Conservation Area) which is primarily residential in nature, being made up of large, individually designed homes in their own grounds with mature trees. The appeal site, apart from the residential use, also displays these characteristics of the Conservation Area. There are also a number of designated and non-designated heritage assets in the vicinity of the appeal site.
5. At the time of my site visit, I observed that part of the proposal, namely the retractable awning structure, had been installed at the premises. The retractable awning structure covers an existing raised outdoor terrace. The structure allows views of the ground floor of the building and views through the area covered by the canopy. The installation is relatively lightweight, and the terrace area has an open feel, separate from the main building. The awning and its structure are black to match the features of the main building. I consider that the retractable awning structure, in terms of its design and material does not have a or a harmful impact, on the character and appearance of the host property and the Conservation Area.
6. In relation to the fixed glazing and doors this would appear to create an extension to the building. Views of the ground floor of the building would be obscured somewhat by the glazing that would, in certain light, appear reflective. The structure would be solid in appearance and unsympathetic in terms of its design and that of the host property. It would be detrimental to the character and appearance of the property and the Conservation Area.
7. An awning is proposed to over the smoking area. This is proposed to be mounted on steel wall brackets and would be fixed above the eaves of the roof of the single storey off-shoot onto which it is located. I consider that the fixing of this awning above the eaves level would have an uncomfortable relationship with the host building and appear incongruous. It would be detrimental to the character and appearance of the property and the Conservation Area.
8. I therefore conclude that the proposal insofar as it relates to the retractable awning does not have a harmful impact on the character and appearance of the host property and the Conservation Area. This element of the proposal complies with Policy 37 of the Bromley Local Plan (adopted January 2019), that seeks, amongst other things; high standards of design in development which positively contributes to the existing street scene respecting important views,

heritage assets and landmarks, and respect for non-designated heritage assets. I have found some conflict with an element of Policy 41 of the Bromley Local Plan (adopted January 2019), which requires that new development preserves and enhances the characteristics and appearance of conservation areas. I do not consider that the proposed retractable awning enhances the characteristics and appearance of the Conservation Area as such, but I do conclude that it has a neutral impact on, and thereby preserves, the character and appearance of the Conservation Area.

9. I also conclude that the proposal insofar as it relates to the fixed glazing, doors and awning over the smoking area would have a significant and detrimental impact on the character and appearance of the property and the Conservation Area. These elements of the proposal would be contrary to Policies 41 and 37 of the Bromley Local Plan (adopted January 2019) which seek, amongst other things; high standards of design in development which positively contributes to the existing street scene respecting important views, heritage assets and landmarks, and respect for non-designated heritage assets; and that new development preserves and enhances the characteristics and appearance of conservation areas.

Other Matters

10. The appellant considers that the proposal causes less than substantial harm to the Conservation Area and thereby in accordance with paragraph 196 of the National Planning Policy Framework the harm should be weighted against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant suggests that the development provides socioeconomic benefits to a local business and allow for the greater use of the external terrace area, which in turn improves the vitality and viability of the business. It is also suggested that the benefits will in turn provide wider benefits through local employment and the use of local services and suppliers. I do not consider that these factors constitute public benefits that would outweigh the harm that I have identified.
11. The Council refer to the impact of the proposal on the grade II listed Farnborough Lodge and on non-designated heritage assets. Due to their distance from the appeal site, and the scale of the proposal, I do not find that the retractable awning structure would have an unacceptable impact on the setting of the listed Farnborough Lodge or on any of the non-designated heritage assets referred to by the Council.
12. The Council have submitted in evidence the Supplementary Planning Guidance (SPG) for Keston Park Conservation Area. This guidance appears to primarily relate to the residential elements of the Conservation Area. The Council have not referred to the SPG in their reason for refusal, and whilst I consider the guidance to have limited weight in this appeal, I do not consider that the elements of the appeal that are allowed are contrary to the guidance.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty and in order to protect the character and appearance of the property and the Conservation Area. I have also imposed a condition requiring that the awning and its structures are black,

again in order to protect the character and appearance of the property and the Conservation Area.

Conclusion

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the full height vertical glazing and double doors to the front and side elevations, and the awning to serve as a smoking shelter, but allowed insofar as it relates to the retractable awning roof structure covering the existing deck area.

A M Nilsson

INSPECTOR