



Appeal Decision

Site visit made on 4 September 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2019

Appeal Ref: APP/G5180/W/19/3232585

Land Adjacent to Railway Viaduct, High Street, St Mary Cray BR5 3NJ

- 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 The Royal Albert Pension Scheme against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04548/FULL1, dated 18 September 2018, was refused by notice dated 1 May 2019.
 - The development proposed is the erection of a terrace of 7 x 2 bedroom dwellings with associated landscaping and amenity areas.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a terrace of 7 x 2 bedroom dwellings with associated landscaping and amenity areas at Land Adjacent to Railway Viaduct, High Street, St Mary Cray BR5 3NJ in accordance with the terms of the application, Ref DC/18/04548/FULL1, dated 18 September 2018 subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the St Mary Cray Conservation Area.

Reasons

3. The appeal site is located within the northern part of the St Mary Cray Conservation Area. There are a number of listed and locally listed buildings nearby, including the Grade II* listed St Mary's Church to the north of the appeal site, and the locally listed raised railway viaduct which runs to the south of the site and which bisects the Conservation Area.
4. Within this northern part of the Conservation Area, the High Street is narrow with buildings lining the edge of the footway along its eastern side. These buildings range from single to three-storey in height and for the most part adjoin to form terraces, although there are also two detached buildings at the north of the High Street. While St Mary's Church is set back from the western footway of the High Street, there is a stone wall to the boundary with the High Street and overall, a strong sense of enclosure is one of the distinguishing characteristics of this northern section of the Conservation Area. However, this does not extend to the appeal site which is undeveloped. It is currently used informally for parking and has grassed open space to its rear.

5. Buildings nearby are of varied styles, and there is little consistency in their form or design although a number have large ground floor openings reflecting current or apparent past commercial use. Finishes include brick, painted brick and render as well as timber frame and plaster. Together, this diversity provides for an attractive variety of buildings and gives an impression of the area having evolved over time.
6. Beyond the High Street to the north, there is greater spacing between buildings generally and some examples on Station Road and Main Road nearby are set back from the edge of the footway. However, within the Conservation Area buildings have shallow frontages and are close to the street. To the south of the viaduct, there is a looser grain with more modern buildings including commercial uses and open spaces. However, the arches of the viaduct reduce views between these areas and provide for a clear visual distinction.
7. Policies 4, 37 and 41 of the Local Plan 2019 (LP) include requirements for new development, including within Conservation Areas, to respect and complement the scale, form, layout and materials of adjacent buildings and spaces. They also set out that development should be imaginative and attractive to look at and of good architectural quality which enhances the qualities of local places and positively contributes to the existing street scene.
8. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the St Mary Cray Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the St Mary Cray Conservation Area Supplementary Planning Guidance (SPG) particularly notes that the High Street makes a positive contribution to the character and appearance of the area. The SPG sets out that the Council will aim to preserve the key buildings of the village centre, together with sufficient elements of its 19th and early 20th century development necessary to provide the setting for listed and locally listed buildings and to illustrate its architectural and historical development.
9. The terraced form of the proposed development would be consistent with other terraces in the vicinity, and the height, massing and width of the proposed dwellings would not be out of keeping with regard to the varied built form apparent nearby in the Conservation Area. As referred to by both main parties, this form would also reflect the terrace that formerly occupied the appeal site but which was demolished in the 1950s, and therefore would respect the historic development of the area.
10. The terrace would be set close to the boundary of the site with the High Street, although the footprint would be slightly staggered. Despite the small set back of the dwellings from the edge of the adjacent footway, the development would establish a street frontage on the appeal site and would provide for a significantly greater sense of enclosure. This would serve to reinforce and enhance the character of this part of the Conservation Area on the western side of the High Street.
11. The site is relatively shallow and the dwellings would be set close to the rear boundary, particularly towards the railway viaduct. However, spacing would be provided to the flank site boundaries in excess of the 1m minimum the Council advise is required by Policy 8 of the LP for development of buildings of two-storey height and above. Outside the site boundary, further spacing would be provided by the retained access to the parking located within the viaduct

arches to the south of the site, the churchyard to the north, and the amenity space to the rear. Given the tight grain of development in this part of the Conservation Area generally and the spacing that would be provided to the sides of the terrace, I find that the development would be sympathetic to its surroundings and would not appear cramped.

12. Much of the front elevation of each dwelling would comprise a garage door at ground floor level. Garages are not a feature of other dwellings in the immediate vicinity of the site and I acknowledge that the solid form of this would limit activity to the street to some degree. However, the entrance doors and the glazing proposed at first and second floor levels would animate the frontages of the dwellings and provide for surveillance over the street. The scale of the garage doors would be reminiscent of the larger ground floor openings present to some other buildings in this part of the Conservation Area and I saw examples of security shutters to some of these openings, including at Stables Court nearby. As a result, these present a similar appearance to the proposed garages, and they would not appear as an incongruous addition.
13. The dwellings proposed on the appeal site would be of traditional appearance with like designs, although they would be handed. I observed examples of other terraces such as at 1 to 6 Sydney Cottages and at 1A to 1D Main Street which are of overall uniform design. These terraces sit comfortably within the overall diversity of the Conservation Area. While I note the location of the appeal site adjacent to the listed church, I find that the matching design of the dwellings would therefore be a sympathetic and appropriate pattern. Furthermore, visual interest to the building would be provided by the stepped footprint, entrance porches, chimneys and fenestration and for these reasons the design would not cause harm to the character or appearance of the area.
14. Finishes of other buildings nearby include use of brick, plain roof tiles and tile hanging and the proposed materials would accord with these. I also noted dormers of differing designs within the area. While none may be directly comparable in design to those proposed on the appeal site, these would nevertheless appear as subordinate features within the roofslopes and would not be an intrusive or incongruous feature given the diverse styles and designs of surrounding development.
15. For the above reasons, I therefore conclude that the proposed development would preserve the character and the appearance of the St Mary Cray Conservation Area. Given this, I find no conflict with Policies 4, 37 and 41 of the LP and the proposal would also accord with the aspirations of the St Mary Cray Conservation Area SPG.

Other Matters

16. As required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have also had special regard to preserving the special interest and setting of listed buildings, including St Mary's Church. The appeal site forms part of the wider setting of listed buildings on the High Street and currently allows for views and appreciation of the upper part of the church contributing to its significance. However, the existing use and condition of the site as an informal parking area detracts somewhat from this setting and the church is best appreciated from within the churchyard. While some views of the church from the south would be lost, the separation provided by the churchyard and the vegetation screening to the boundary limits any impact. In

addition, the proposed residential development providing for a frontage to the street would be a benefit over the existing site. I therefore agree with the Council that overall there would be no harm to the setting or significance of the church or to other listed buildings.

17. I have taken into account comments made by third parties, including regarding existing parking problems in the area and advising that the appeal site is used by many people, including by visitors to the adjacent church and to local shops and services. However, I have not been provided with any evidence to substantiate a suggested public right to use this area for parking and I note that the doctor's surgery referred to in a number of comments as generating parking demand has since closed. While I saw that on-street spaces in the vicinity of the site were relatively limited, at the time of my visit spaces were available and the submitted parking surveys show sufficient spaces to accommodate any displaced parking. I acknowledge that the proposal may result in some inconvenience to users accustomed to parking on the site. However, parking would be provided to meet the requirements of the proposed dwellings and there is no evidence before me that highway safety would be compromised.
18. Owing to the scale of development and separation provided by the highway, there would be no significant impact on light available to neighbouring properties. Ownership issues are a private matter between the relevant parties and are not within my jurisdiction, and access would be retained around the south of the site to the open space at the rear. Any disturbance during construction would be for a temporary period only and could be mitigated by careful construction management.

Conditions

19. I have considered the Council's suggested conditions. Where necessary, I have altered these for clarity, to ensure compliance with the relevant tests and to avoid duplication.
20. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. In order to ensure a satisfactory appearance, a condition to require submission of samples of materials is necessary. In the interests of safeguarding archaeology on the site and the living conditions of neighbouring occupiers; and to ensure highway safety, adequate parking provision, and provision for surface water drainage; I have attached conditions relating to archaeological investigation, the submission of a Construction and Environmental Management Plan, the provision and maintenance of parking, and provision for drainage works. Conditions to require accessible and adaptable dwellings and security measures are also necessary in the interests of safeguarding the living conditions of future occupiers and neighbours.

Conclusion

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

J Bowyer

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: 3089-17-PL001 Rev P7 and 3089-17-PL002 Rev P9.
- 3) No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum, the plan shall cover:
 - i) dust mitigation and management measures;
 - ii) the location and operation of plant and wheel washing facilities;
 - iii) measures to reduce demolition and construction noise;
 - iv) details of construction traffic movements including cumulative impacts which shall demonstrate the following:
 - a) rationalise travel and traffic routes to and from the site as well as within the site;
 - b) provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity;
 - c) measures to deal with safe pedestrian movement;
 - d) full contact details of the site and project manager responsible for day-to-day management of the works;
 - e) parking for operatives during the construction period;
 - f) swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary;
 - v) hours of operation;

The development shall be undertaken in full accordance with the details approved under parts i) to v).

- 4) Prior to commencement of development (including demolition) the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation by an archaeological organisation approved in writing by the local planning authority. Access shall be permitted to the site at all reasonable times for the carrying out of the investigations including making necessary records of items of interest and finds. The development shall take place in accordance with the approved scheme.
- 5) No development above ground level shall take place until details of surface water drainage to prevent the discharge of surface water to the highway have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until provision for surface water drainage has been made in accordance with the approved details and drawing HC-2012-501 (Indicative Drainage Layout, dated 18 December 2018 forming part of the Flood Risk Assessment April 2019), and this shall be retained thereafter.
- 6) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the

development hereby permitted including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and hard surfacing have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.

- 7) No dwelling shall be occupied until the garage to that dwelling has been provided in accordance with drawing nos. 3089-17-PL001 Rev P7 and 3089-17-PL002 Rev P9. The garage shall thereafter be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.
- 8) The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained as such thereafter.
- 9) The development hereby permitted shall not be occupied until details of measures to minimise the risk of crime and to meet the specific needs of the development have been submitted to and approved in writing by the local planning authority. The security measures to be implemented in compliance with this condition shall achieve the 'Secured by Design' accreditation awarded by the Metropolitan Police and the development shall be carried out in accordance with the approved details.