



Appeal Decisions

Site visit made on 18 June 2019

by J Williamson BSc (Hons), MPlan, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2019

Appeal A Ref: APP/G5180/W/19/3226253

30 Forest Ridge, Keston BR2 6EQ

- 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 & Mrs W McCarthy against the decision of the London Borough of Bromley.
 - The application Ref DC/18/03957/FULL1, dated 28 August 2018, was refused by notice dated 14 November 2018.
 - The development proposed is demolition of existing 5-bedroom two-storey dwelling with accommodation in roofspace and garage annexe and erection of replacement two-storey 6-bedroom dwelling with accommodation in roofspace, basement car parking, games area and cinema room.
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Appeal B Ref: APP/G5180/W/19/3226254

30 Forest Ridge, Keston BR2 6EQ

- 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 & Mrs W McCarthy against the decision of the London Borough of Bromley.
 - The application Ref DC/18/05640/FULL1, dated 20 December 2018, was refused by notice dated 15 March 2019.
 - The development proposed is demolition of existing 5-bedroom two-storey dwelling with accommodation in roofspace and garage annexe and erection of replacement two-storey 6-bedroom dwelling with accommodation in roofspace and basement with car parking.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 30 September 2019.

Decisions

Appeal A

1. The appeal is allowed. Planning permission is granted for demolition of existing 5-bedroom two-storey dwelling with accommodation in roofspace and garage annexe and erection of replacement two-storey 6-bedroom dwelling with accommodation in roofspace, basement car parking, games area and cinema room at 30 Forest Ridge, Keston BR2 6EQ, in accordance with the terms of the application, Ref DC/18/03957/FULL1, dated 28 August 2018, subject to the conditions listed in the attached schedule of conditions.

Appeal B

2. The appeal is allowed. Planning permission is granted for demolition of existing 5-bedroom two-storey dwelling with accommodation in roofspace and garage annexe and erection of replacement two-storey 6-bedroom dwelling with accommodation in roofspace and basement with car parking at 30 Forest Ridge, Keston BR2 6EQ, in accordance with the terms of the application, Ref DC/18/05640/FULL1, dated 20 December 2018, subject to the conditions listed in the attached schedule of conditions.

Procedural Matters

3. I have removed a sentence from the end of the description of development for Appeal B (ie "amended design reducing size of proposed dwelling following refusal of application DC/18/03957/FULL1") as this is not part of the description of development.
4. Since the determination of DC/18/03957/FULL1, the Bromley Local Plan, January 2019, (BLP) has been adopted. Therefore, the Unitary Development Plan (UDP) policies cited on the Decision Notice of Appeal A no longer apply. Appeal A has therefore been determined based on the equivalent BLP policies.
5. Since the determination of application DC/18/03957/FULL1 the National Planning Policy Framework (the Framework) has been revised (February 2019). Policies within the Framework are material considerations which should be considered for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment upon the Framework as part of the appeal and I have therefore determined the appeal on that basis.

Main Issue

6. The main issue in both appeals is the whether the effect of the proposed development would preserve or enhance the character or appearance of the Keston Park Conservation Area (CA).

Reasons

7. The appeal site comprises a two-storey detached dwelling, with accommodation in part of the roofspace, with a detached ancillary outbuilding to one side, which also has accommodation in its roofspace. There are gardens to the front and rear and the dwelling and outbuilding are set-back from the roadside, behind lawns, vehicle access points and driveway/hard standing parking areas. There are trees and hedges around the side and rear boundaries with additional trees and shrubs within the gardens. As noted, the site is located within the Keston Park CA.
8. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that I to pay special attention to the desirability of preserving or enhancing the character and appearance of a CA, is also a matter of considerable importance and weight. Paragraph 193 of the National Planning Policy Framework (the Framework) requires decision-makers to give great weight to the conservation of a designated heritage asset.
9. Paragraph 3.1 of the Council's Supplementary Planning Guidance document (SPG) Keston Park Conservation Area, updated March 2002, states that the chief interest of the Keston Park Conservation Area lies in its historical connection with the Holwood House Estate, and in the innovative way that the Rogers family incorporated the landscape from Holwood Park into a high quality

built development, allowing scope for the construction of large and individualistic private homes in a manner typical of American suburban development. The survival of individual estate dwellings is significant: a keeper's cottage and a gate lodge remain and every effort will be made to retain these elements of an earlier phase of the Park's history.

10. It also states that the character of the park stems from, and is maintained by, 2 components: a) a strong landscape framework, i.e. a common approach to tree and shrub planting and the design and layout of paths & driveways, and b) very low density. The SPG requires all new developments to conform with the highly dispersed and wooded character of the CA. Maintaining its mature woodland landscape is deemed to be essential to maintaining the CAs character and appearance. Trees and shrubs contribute to the strong landscape framework and the SPG advises that attention should be given to maximising space at the front and sides of new properties.
11. In my view the significance of the CA derives from how the properties and the park have been developed within the landscape.
12. The existing house has been altered since its original construction with the implementation of various planning permissions that include the ancillary outbuilding noted above, a single-storey extension on one side, two-storey and single-storey extensions to the rear and side and rear dormers.
13. I acknowledge that a building has existed on the site since the early phase of development of the park, as evidenced on an Ordnance Survey (OS) map of 1933. However, buildings have existed on all the plots within the park from some point. Consequently, this fact alone is insufficient to conclude that the property makes a positive contribution to the CA.
14. I acknowledge that the property exhibits some Arts and Crafts references, such as the gables. However, I consider such references to be very limited. Therefore, I also consider this point to be insufficient in itself to conclude that the property makes a positive contribution to the CA.
15. The park contains a diverse mix of house types and styles constructed from a range of materials, employing various construction methods and drawing upon traditional architectural influences. However, there are dwellings within the CA whose designs do not have specific architectural references, including several replacement dwellings.
16. Furthermore, I note that the Council has a list of buildings considered to be of local importance and special to the Borough. However, the appeal dwelling is not on the list.
17. I note that the property is not the work of a particular architect, doesn't have landmark quality, doesn't relate to adjacent designated heritage assets in any significant way, doesn't contribute positively to the setting of adjacent designated heritage assets and it isn't historically associated with local people or events. Furthermore, the tiles hung on the gables are a relatively recent addition, the existing render was applied following construction of the various extensions and the original windows have been replaced with aluminium windows.
18. In light of the factors outlined above, I consider that the existing property makes a neutral contribution to the CA rather than a positive one.

19. The principle of a replacement dwelling in the CA is supported by the SPG, provided the property does not make a positive contribution to it, subject to the design of the proposed building and associated landscaping details being acceptable. Hence, as I have concluded that the property does not make a positive contribution to the CA the principle of replacing it is acceptable, subject to the design of the properties in both Appeals and the associated landscaping schemes being acceptable.
20. I acknowledge that the plot, and the property, are visually prominent. However, the SPG notes that early architectural influences lead to open plan layouts, with some properties being set back behind lawns which extend to the road to emphasise the grandeur of the house. Hence, the visual prominence of the plot with the property set behind lawns at the front, with no boundary treatment, is a feature of the CA. The open plan gardens are deemed to be important to the character and appearance of the CA and their retention is encouraged by the SPG. The matter of whether such features will be preserved or enhanced is dealt with below.
21. The proposed dwellings both in Appeals A and B would have the appearance of being two-storey at the front with accommodation in the roofspace and a basement. Both designs, although different, are influenced by features of the traditional properties within the CA. Both would be sited the same distance from the road, Forest Ridge, as the existing buildings and significant landscaping features within the site would be retained.
22. It is clear from the SPG that the main characteristics of the CA are not the specific buildings within the park but how the properties and the park have been developed within the landscape.
23. As noted in the descriptions of both appeal schemes provided above, the buildings would be no closer to the road than the existing buildings and the open plan front garden would be retained. The gaps either side of both proposed dwellings to the boundaries would be increased from those that exist and all significant landscaping features would be retained. The respective volumes and masses of the buildings would be greater than the existing. However, the height of each proposal would only marginally increase over the existing, and this would mainly be in relation to the central part of both proposed buildings. The roof height would also be a little lower in parts than the existing. Both proposals are large, individually designed, detached dwellings, which is what the CA is comprised of.
24. Within the context of the CA and the way the proposals are positioned within the site, I consider that the increased size of the proposals over the existing will not appear out of keeping with the character or appearance of the CA. The density remains the same. Hence, I consider that the proposed dwellings of both Appeals would sit comfortably within the landscape setting of the CA and that none of the key features of the CA, as outlined in the SPG, would be eroded.
25. Furthermore, details of the external materials and landscaping can both be secured via conditions, thereby ensuring that the external materials are of high quality and that the landscaping of the site can be preserved and/or enhanced. Bearing all the above factors in mind I conclude that neither of the appeal proposals would be harmful to the character or appearance of the CA. As such, the proposals would accord with guidance in the SPG.

26. I have concluded that the existing property has a neutral effect on the character and appearance of the CA and that its loss would, therefore, not be harmful to the CA. I have also concluded that the proposed dwellings in both Appeals A and B, subject to conditions regarding materials and landscaping, would not harm and therefore preserve the character, appearance and significance of the CA. As such, both proposals accord with policies 4, 8, 37 and 41 of the BLP which seek collectively, and amongst other things, to achieve a high standard of design which respects local character, landscape features and spatial standards and does not harm heritage assets.

Conditions

27. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance (PPG), the tests within the Framework and parties' comments. Some have been amended or amalgamated for clarity, precision, elimination or duplication taking account of policy, guidance and comment. The appellant has confirmed he has no objections to any of the conditions suggested by the Council, some of which included a pre-commencement clause. I have removed the pre-commencement clause from condition 4, window details, as such details do not have to be provided prior to commencement. It is necessary for conditions regarding landscaping, tree protection and drainage to be pre-commencement in order to ensure the well-being of trees protected in a CA.
28. I have specified the plans to which the permission relates in the case of both appeals as this provides certainty. All the conditions apply to both appeals. I have attached conditions regarding details of external materials, windows, landscaping (including boundary treatments) and tree protection in the interest of protecting the character and appearance of the CA. Drainage and surface water run-off conditions are required to ensure protection against flooding.

Conclusion

29. For the above reasons I conclude that both Appeals are allowed, subject to the conditions outlined in the attached schedule of conditions.

J Williamson
INSPECTOR

Schedule of Conditions for both Appeal A and Appeal B

- 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:

Appeal A

18/102/01 A, 18/102/02 A, 18/102/01 A, 18/102/04 A, 18/102/05 A,
18/102/06 A, 18/102/07 A, 18/102/08 A

Appeal B

18/102/01 A, 18/102/02 C, 18/102/01 A, 18/102/04 B, 18/102/05 A,
18/102/06 C, 18/102/07 C, 18/102/08 C

- 3) Details of the materials to be used for the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) Details of the windows (which covers rooflights and dormers), including their materials, method of opening, drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals and the dimension of any recesses, shall be submitted to and approved in writing by the Local Planning Authority before any work above slab level being undertaken. The windows shall be installed in accordance with the approved details and retained as such thereafter.
- 5) Prior to commencement of the development hereby approved, details of the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
 - i) A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
 - ii) Details of location, type and materials to be used for hard landscaping including specifications, where applicable, for: a) permeable paving, b) tree pit design, c) underground modular systems, d) sustainable urban drainage integration and e) use within tree Root Protection Areas (RPAs);
 - iii) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - iv) Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
 - v) Types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed RPAs of retained trees unless first agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

- 6) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS are:

- a) Location and installation of services/ utilities/ drainage;
- b) Methods of demolition within the RPA (as defined in BS 5837: 2012) of the retained trees;
- c) Details of construction within the RPA or that which may impact on a retained tree;
- d) A full specification for the installation of boundary treatment works;
- e) A full specification for the construction of any parking areas and driveways, including details of any no-dig specification, if required, and the extent of the areas to be constructed using a no-dig specification. The details shall include relevant cross-sections;
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within RPAs is proposed, demonstrating that they can be accommodated where they meet with the damp proof course of any adjacent building;
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
- h) A specification for scaffolding and ground protection within tree protection zones;
- i) Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area;
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires;
- k) Boundary treatments within the RPA;
- l) Methodology and detailed assessment of root pruning;

- m) Arboricultural supervision and inspection by a suitably qualified tree specialist;
- n) Reporting of inspection and supervision;
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping, and
- p) Veteran and ancient tree protection and management, if required.

The development thereafter shall be implemented and managed in strict accordance with the approved details.

- 7) Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced. The approved system shall be completed before any part of the development hereby permitted is first occupied and retained for the lifetime of the development.
- 8) No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority. Drainage works shall be carried out in accordance with the approved details prior to the development hereby permitted being first occupied. Prior to the submission of such details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDS), and the results of the assessment provided to the Local Planning Authority. Where a SuDS scheme is to be implemented, 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) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that 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.

The scheme shall be implemented, maintained and managed in accordance with the approved details.