



Appeal Decision

Site visit made on 11 December 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/G5180/W/19/3236651

1 Chelsfield Road, Orpington BR5 4DN

- 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 Michael Birmingham against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00684/FULL1, dated 9 February 2019, was refused by notice dated 21 June 2019.
 - The development proposed is described as follows: The applicant owns a plot of land adjacent to 1 Chelsfield Road that he has used as his carpentry yard throughout his career. As he has now retired, he wishes to develop the plot to erect a 3 bedroom detached house. The plot already benefits from a highway access off Chelsfield Road, parking and a garden. The land was originally the drive and garage to the adjacent large building (now the social club).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the area, including whether the proposal would preserve or enhance that of the St Mary's Cray Conservation Area (CA)
 - whether the house would offer acceptable living conditions for future occupants, with particular regard to internal space
 - whether safe vehicular access arrangements would be provided.

Reasons

Character and appearance

3. The appeal relates to land within the built-up area of Orpington where further residential development would be acceptable in principle, subject to site-specific planning considerations. The site was evidently once a drive that ran alongside the Rosecroft Social Club, a late 19th century building located at the Chelsfield Road/High Street junction. It would appear that the former horticultural land to the rear of and next to this building was developed for housing, including the 20th century inter-war semi-detached houses that continue along Chelsfield Road. As a former access dividing the Social Club from the frontage housing that follows, the site is deep but relatively narrow.

It lies just within and along the boundary of the CA, with the later housing development falling outside this defined heritage asset.

4. The front part of the appeal site is currently occupied by a low level shed that has had long-standing use as a carpentry workshop. The scheme is to replace this building with a detached house on the approximate footprint. It would be of a hipped roof, two-floor front bay window design and general scale to reflect the adjacent semi-detached houses. Mature trees line the edges of this former drive, the entrance section of which comprises the intended house plot. These appear to identify the verdant edges of historic boundaries. The mature trees contribute strongly to the leafy suburban character of the environs. The development of a new house would clearly involve the loss of those mature trees adjacent to where it is to be sited.
5. The house would occupy virtually the entire width of the narrow plot. The removal of the trees and vegetation, with little space for any replacement landscaping, would result in a development that would appear both stark and incongruous, harmfully out of keeping with the pattern and character of that surrounding it. The individual dwelling in this location would not relate well with either the larger Social Club building, set in a spacious curtilage, or the conventional semi-detached housing on the other side. The development would appear as an abrupt and discordant feature in this prominent location, with the resultant harm exacerbated by the removal of trees and vegetation which currently comprise a positive feature within the street scene.
6. Although the adjacent Social Club car park and the garden to the semi-detached house next-door provide space either side of the plot, the dwelling would nonetheless sit very tightly within its own boundaries. For this reason, the proposal conflicts with Policy 8 of the Bromley Local Plan 2019 (BLP) which seeks to avoid such cramped arrangements by requiring at least one metre of space to the side boundaries of new houses or more where higher amounts of space exist, as in this area.
7. The proposal would also conflict with BLP policies 4 and 37 in respect of the general design of housing development. This would be due to the proposed house not contributing positively to the street scene and by failing to complement the form and layout of adjacent buildings or to offer the space to create an attractively landscaped setting.
8. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of this part of the CA is, in my view, the verdant and spacious suburban surroundings that result from the way the area has developed historically. The loss of trees and vegetation, and the occupation of this space by the very discordant development proposed, would detract from the significance of the CA and fail to preserve its existing character and appearance. Whilst the resulting harm would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
9. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. A single dwelling would

provide only a very small public benefit by contributing to overall housing supply, insufficient to outweigh the harm to the significance of the heritage asset.

10. The proposal therefore gains little support from the Framework and would, moreover, be in conflict with BLP Policy 41 which seeks that developments preserve or enhance the character or appearance of the CA. The benefit of the house would not outweigh the amenity value of the trees that would be removed, the loss of which would be contrary to BLP Policy 43.

Living conditions

11. For a three-bedroom house the proposal would have sufficient internal floor area to meet the Nationally Described Technical Space Standard 2015, although the two single bedrooms would be below the size this recommends. There would as a consequence be conflict with BLP Policy 4 and with the London Plan and its associated Housing Supplementary Planning Guidance. This might not lead to significant harm were there potential to negotiate a rearranged first-floor layout, possibly involving just two bedrooms. The failure to provide acceptable living conditions for future occupants therefore does not become a further determinative matter in this decision.

Vehicular Access

12. Whilst the site has an existing entrance onto Chelsfield Road, and has operated for many years as a carpentry workshop, the redevelopment to accommodate a single dwelling would still require suitable access arrangements. The proposal does not demonstrate adequate visibility from the entrance onto Chelsfield Road or sufficient on-site turning space to allow a vehicle to both enter and exit in a forward gear. As it has consequently not been shown that safe access would be provided to and from the public highway, this proposal would clearly conflict with BLP Policy 32 which requires road safety not to be significantly adversely affected.

Balance and Conclusion

13. The proposal would gain the support of the Framework in making effective use of under-utilized, previously developed land within a built-up area to help meet housing needs. However, national policy also requires new developments provide for well-designed places, conserve and enhance the historic environment and provide safe access; all of which factors count against what is proposed. Having given careful regard to the details of other approved developments supplied, I find none which closely match the considerations here. It is appropriate I consider this proposal principally on its own merits and, for the reasons given, must therefore conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR