



Appeal Decision

Site visit made on 14 January 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/G5180/W/19/3238979

Crosshall Surgery, 31 High Street, St Mary Cray, Orpington BR5 3NL

- 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 Mrs V Balachandran against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/01390/FULL1, dated 21 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is described as 'Change of use: GP Surgery to Residential. Subdivision of property into 2 self contained units. 2 x 2 bed units.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application for planning permission and the planning appeal form states that the address of the appeal site is No 31 High Street. However, the Council's delegated report and decision notice states that it is No 29 High Street. The Council has confirmed that the correct address of the appeal site is Nos 29-31 High Street. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposed change of use on the provision of community facilities and the vitality and viability of the Local Neighbourhood Centre; and
 - Whether the proposed development would preserve or enhance the character or appearance of the St Mary Cray Conservation Area (CA).

Reasons

Community facilities and vitality and viability of the Local Neighbourhood Centre

4. The appeal site comprises the two linked ground floor units of Nos 29-31 High Street (Nos 29-31), which are located in a short, three storey terrace on the eastern side of the High Street and within an area which is designated as a Local Neighbourhood Centre. Nos 29-31 were previously a doctor's surgery which became vacant in January 2019. At the time of my site visit I noted that part of Nos 29-31 appeared to be occupied. This is corroborated by the appellant's statement of case which makes reference to half of the property being rented for a temporary period.

5. The proposed development is for the change of use of these ground floor units from a doctor's surgery (Class D1 Community Facilities use) to residential (Class C3 use) and includes the internal subdivision of the space into two, self-contained, two bedroom flats with parking to the rear. As part of the conversion there would be some associated external alterations to the existing front and side elevations.
6. Policy 20 of the London Borough of Bromley Local Development Framework Local Plan adopted January 2019 (LP), seeks to maintain community facilities which includes facilities for health. It requires that any proposal which would lead to the loss of a community facility to demonstrate that there is no longer a need for them. Supporting text to the policy states that this should include consultation with relevant Council departments and third party providers as well as a six month period of marketing which is current and robust at a realistic value reflecting its existing use value (supported by a viability assessment).
7. Policy 96 of the LP states that, within designated Neighbourhood Centres, a change of use to non-A1 uses will only be considered if the use proposed contributes to the range of local services or the provision of local community facilities. In addition, Policy 99 of the LP states that the conversion of ground floor premises in shopping areas to residential uses will only be permitted where, amongst other things, the proposed use would not undermine the retail vitality and viability of the centre, the vacancy of the unit can be demonstrated and no other commercial or community use is interested in occupying the unit and, the design is in keeping with the character of the centre.
8. I have had regard to the letter from NHS Bromley Clinical Commissioning Group (BCCG) dated 3 June 2019 and accept its contents as confirmation that there is no intention of BCCG or any other healthcare provider to locate a healthcare facility within Nos 29-31. Notwithstanding this, there is no substantive evidence before me which clearly demonstrates that the use of Nos 29-31 for alternative community uses has been fully investigated by the appellant.
9. I acknowledge the appellant's comments which insist that she has spoken to several estate agents regarding the sale or rent of Nos 29-31, and that the units have been marketed as a commercial property without success due to the deprived nature of the area. I also appreciate that Nos 29-31 have been vacant for over a year now and that there is a level of vacancy in commercial units in the surrounding area. However, no detailed information has been provided which verifies the nature, extent and time period of any marketing relating to Nos 29-31 which has been carried out for any other community or commercial use during the last 12 months.
10. The proposed change of use to Class C3 would lead to the reuse of these ground floor units, but it would do so at the expense of potential community and/or commercial uses. Residential use would not contribute to the provision of local community facilities or the range of local services that would support the vitality and viability of the designated Local Neighbourhood Centre.
11. Accordingly, I conclude that the proposed change of use would have a harmful effect on the provision of community facilities and the vitality and viability of the Local Neighbourhood Centre. As such, it would conflict with Policies 20, 96 and 99 of the LP referred to above.

St Mary Cray Conservation Area

12. The CA is linear in form. It mainly focuses on the River Cray, which was the historical basis for settlement in this area, and the buildings and spaces along the High Street. The linear pattern of development, combined with the verdant open spaces along the River, contribute to the special interest and significance of the CA.
13. The appeal site lies at the northern end of the CA which, to a large extent, is dissected from the rest of the CA by the imposing railway viaduct which cuts across the CA. The combination of the area's separation from the southern section of the High Street, the narrow streets and the presence of St Mary's Church and Churchyard, causes it to have a quieter, less commercial feel and atmosphere in comparison to the rest of the CA. Nevertheless, its historic commercial use is still evident at ground floor level in some of the buildings along the street.
14. Policy 37 of the LP requires all development proposals to be of a high standard of design and layout and, amongst other things, positively respond to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features. In addition, Section 3.2 of the St Mary Cray Conservation Area Supplementary Planning Guidance (SPG) states that, 'changes of use will be acceptable only where, in the opinion of the Council, they would have no detrimental effect on the character of the area.'
15. Nos 29-31 are the ground floor units at the end of a short terrace of four commercial units. When comparing the appeal units with the adjacent ground floor units it appears that Nos 29-31 have been altered in the past, including the loss of the original shopfront frames and stallrisers, and the insertion of large windows and external roller shutters. Notwithstanding this, Nos 29-31 still retain elements of, what appears to be, the original main cornice and fascia along with scrolled corbel features at the ends, which are also evident on other ground floor units along the terrace.
16. The appellant states that the frontage will not be altered as part of the proposed change of use. However, the plans submitted with the application illustrate alterations including, the removal of the existing large windows on the front elevation and the installation of windows similar to those on the upper floors; alterations to the size and form of the door on the front elevation; and the change of the position of an existing window on the side elevation.
17. I have had regard to the less commercial character and appearance of this part of the CA and I accept that, due to previous alterations, the historic integrity and commercial appearance of Nos 29-31 have been compromised. However, the commercial nature of the area is still distinguishable and, in keeping with the adjacent units, Nos 29-31 still retain elements of their historic commercial use.
18. Although the proposed development appears to retain the existing main cornice and scrolled corbel features of the historic shopfront, it would result in the loss of the fascia and the introduction of fenestration and a door in the front elevation which would be overtly domestic in form and appearance. This would contribute to the slow and detrimental erosion of the commercial character and appearance of this part of the CA and would harm its special interest and significance.

19. Accordingly, I conclude that the proposed development would not preserve or enhance the character or appearance of the CA. As such it would conflict with Policies 37 and 99 of the LP and the St Mary Cray Conservation Area SPG referred to above.
20. Having regard to Paragraph 196 of the National Planning Policy Framework (Framework), the harm caused to the significance of the CA would be 'less than substantial', because it would be limited to Nos 29-31 and their immediate surroundings.
21. This harm needs to be weighed against the public benefits of the proposed development. The proposal would facilitate the reuse of this part of the building and would create two flats in an accessible urban location, which is within easy reach of a variety of services and facilities. These public benefits are reduced by the limited number of flats proposed but, nevertheless, carry moderate weight in its favour. However, in my view, I do not consider that these are sufficient to outweigh the harm to the CA that I have identified. As such, the proposed development would not comply with Paragraph 196 of the Framework.

Other Matters

22. I note that the appellant has referred to the Government's thrust to build more houses and flats to boost the housing supply. I accept that the creation and occupation of two flats would contribute to the local housing stock, economy and society. However, the contribution made by two flats would be limited and would not outweigh the identified harm to the character and appearance of the CA, and the harmful effect of the proposal on the provision of community facilities and the vitality and viability of the Local Neighbourhood Centre.
23. The appellant has drawn my attention to an adjacent building which, it is asserted, has been converted from a public house into residential flats. I am not aware of the detailed circumstances of this development. In any event, I have determined the appeal before me on its own planning merits with regard to the specific context of the appeal building and found that it would cause harm.
24. The appellant has highlighted that, nationally, well over 10% of high street properties remain vacant for long periods of time and that there is an acute shortage of houses and flats. I accept that there appears to be a level of vacancy of commercial units in the surrounding area. However, this, in itself, does not justify allowing development which would be contrary to the LP and the Framework.
25. I note that no objections to the proposed development were raised by BCCG, the Environment Agency, Highways or the Council's Drainage Engineer and that no representations were received from any owners or occupiers of nearby properties. In addition, I am aware that the Council considered that the proposed development would be acceptable in terms of the living conditions of future occupiers of the flats and the living conditions of the occupiers of neighbouring properties. However, these are neutral considerations in the planning balance and do not outweigh the harm that I have found.
26. I have given careful consideration to the appellant's personal circumstances. I have sympathy for her situation and take no pleasure from frustrating her

desire to convert the building to residential use. However, they do not outweigh the identified conflict with the LP and the Framework and, therefore, do not change my conclusions on the main issues.

Conclusion

27. The proposed development would not preserve or enhance the character or appearance of the CA. This is a matter which must attract considerable importance and weight against it. In relation to the Framework, the proposed development would cause 'less than substantial harm' to the significance of this designated heritage asset. I must attach considerable importance and weight to that harm, which I find would not be outweighed by the limited public benefits arising from the proposal. Furthermore, I have found that the proposed change of use would have a harmful effect on the provision of community facilities and the vitality and viability of the Local Neighbourhood Centre.
28. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR