



Appeal Decisions

Site visit made on 1 June 2020

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

Appeal A Ref: APP/G5180/W/20/3245514 60 Jackson Road, Bromley, BR2 8NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Hannah Hasell against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/19/04510/FULL1, dated 21 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is; Demolition of existing lean to extensions. Erection of single storey rear extension and two rear dormers. Conversion to reinstate a pair of semi-detached cottages.
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Appeal B Ref: APP/G5180/Y/20/3245515 60 Jackson Road, Bromley, BR2 8NS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ms Hannah Hasell against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/19/04512/LBC, dated 21 October 2019, was refused by notice dated 17 December 2019.
 - The works proposed are; Demolition of existing lean to extensions. Erection of single storey rear extension and two rear dormers. Conversion to reinstate a pair of semi-detached cottages.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. For appeal A, the main issues are the effects of the proposal on;
 - the character and appearance of the area
 - the special interest of the Grade II listed building, 60 Jackson Road
 - the setting of the Grade II listed buildings, 48 and 50 and 56 and 58 Jackson Road
 - the living conditions of potential future occupants.

4. For appeal B, the main issue is the effect of the proposal on the special interest of the Grade II listed building, 60 Jackson Road.

Reasons

Character and appearance (appeal A only)

5. Number 60 Jackson Road stands at the end of an otherwise unremarkable suburban street, mostly fronted by pairs and short terraces of hipped-roofed houses typical of the 1930s together with some later gabled dwellings from the 1960s and 1970s. But its immediate environs are quite different. There is, indeed, the flank of a modern building across the road to its west although that is largely hidden from view behind a tall hedge. The road narrows, turns a corner, its footpath shrinks to non-existence; and one is metaphorically transported to the simulation of a rural environment with a group of ancient cottages forming a small settlement.
6. The proposed extensions would not impinge upon the rural idyll of the front; they would be positioned to the rear where much change is already in progress. A new estate is under construction on the site of a former nursery garden, accessed by a new road passing along the northern flank of number 60. The extensions proposed, comprising a pair of hipped dormers and a pair of single-storey outbuildings with a valley gutter between them, gabled to their east but hipped to their west where they would attach to the existing building, would fit naturally into this environment, their form and materials reflecting examples in the neighbourhood.
7. They would replace a motley collection of timber sheds with metal roofing and a brick outbuilding which have been linked together and to the main building at 60 Jackson Road, to provide it with a kitchen, toilet and stores. Individually, they have no particular merit. Collectively, they form a jumble of buildings which some may find picturesque but which others will consider detracts from the appearance of the rear of the property.
8. I conclude that their removal and replacement by the extensions proposed would have no adverse effect on the character and appearance of the neighbourhood. They would comply with elements of policies 4 and 37 of Bromley Local Plan January 2019 in that they would complement the scale, proportion, form, layout and materials of adjacent properties.

Setting of listed buildings (appeal A only)

9. The setting of a listed building reflects how one experiences it. As already noted, for most members of the public, the setting of the listed buildings 48/50 and 56/58 Jackson Road together with number 60 itself is how they are perceived in the street scene after turning the corner at the end of Jackson Road. This would be unaltered by the appeal proposals.
10. For 56/58 Jackson Road, there is also visibility from the rear, now more opened to public view with the construction of the new estate road. This setting is currently characterised by a number of sheds and outbuildings. Number 56/58 has its own large rear extension with a lean-to roof. The removal of the outbuildings at number 60 and their replacement with the extensions proposed would simply replace one set of domestic outbuildings extending some distance from the rear of number 60 with another set of domestic outbuildings attached more compactly to its rear.

11. I conclude that the proposals would have little or no effect, either adverse or beneficial, on the setting of numbers 48/50, 56/58 or 60 itself. They would thus comply with those elements of policies 37 and 38 of the Bromley Local Plan January 2019 which require respect for heritage assets and no harm to the setting of a listed building.

The special interest of 60 Jackson Road (both appeals)

12. A close range and internal inspection of this building suggests a complexity of interest considerably more than would be inferred from a simple reading of the listing citation. Anomalies which suggest that it may be considerably older than the late eighteenth to early nineteenth century attribution include;
- The disjunct between the height of the segmentally arched window openings on the ground floor and the internal ceiling height, manifest by a lowering of the segmentally arched glazing of the sashes beneath an infill fascia
 - The contrast between the reveals of the ground floor sash windows and the flush-fitted casements of the upper floor
 - The archaic form of the cornice
 - Two substantial beams extending part way along the eaves at the rear of the attic floor. They appear to be sitting on the floor joists but are notched so that the rafters pass through them without bearing on them. Their present structural function is unclear.
13. In general terms I agree with the appellant's heritage appeal statement that the special interest of this building lies primarily in the architectural composition of its front façade including the well-made Flemish bond of the front and side brick elevations, the social history of its plan form, which is that of semi-detached cottages and its internal timber frame which would be of archaeological interest to specialist academics. But its rear cat-slide roof is also of significance as an example of a typically Kentish roof form. I also agree with the Council's conservation officer that there is social history interest in the way the building has been adapted and maintained over its lifetime.
14. It was strikingly apparent on my site visit that some features of the building are relatively primitive in their construction, such as the encasement of the staircase. It was also clear that alterations and adaptations over time have sometimes been on a hand-to-mouth basis, using found materials. An example is the partition separating the staircase to the attic floor from the first floor rear bedroom in the northern half of the building. This partition is formed of re-used window shutters.
15. Other features noted on my site visit are the two brick paved cellars, each about 3' 6" deep extending under about half of each of the two rooms at the rear of the building and the existence of a range of doors of varying types, some panelled, others ledged or ledged and braced, some in use and some fixed in disused openings. In the southernmost ground floor living room the ceiling contains plasterwork indicating the location of a hood over a previous fireplace. In the bedroom above is a fireplace typical of the mid-nineteenth century in appearance.

16. There is no schedule of works submitted as part of the application documentation. The application form states that there is to be no stripping out of plaster or floorboards but, it was clear from my site visit that, in places, wall linings and wainscoting have been removed and holes made in lath and plaster to locate historic features. No lath and plaster wall or ceiling coverings remain in the attic floor but there is evidence of where they once were. There is a raised floor of modern construction in part of the southern rear ground floor room which is likely to need removal to restore a continuous level floor across the room. Partitions shown on the drawings as existing, enclosing a bathroom in the ground floor rear room of the southern half of the building, had been removed, together with any bathroom fittings, by the time of my visit.
17. It has to be deduced from an examination of the submitted drawings what other works are intended. From that examination, it seems that the works proposed include;
- The demolition of all single storey outbuildings attached to the rear of the building
 - The construction of a pair of rear extensions as described above
 - The insertion of two dormer windows in the rear roof slope at first floor level
 - The blocking of three historic casement openings on the ground floor rear elevation
 - The formation of a door opening in the rear elevation to connect to one of the extensions proposed
 - The blocking of an exterior door at ground floor level in the northern flank elevation
 - The blocking of an opening between the two ground floor rear rooms
 - The insertion of partitions in each of the ground floor rear rooms and the fitting out of bathrooms
 - In the southern half of the building, the blocking of an opening between the front and rear rooms and the formation of a new opening (or restoration of a previous opening) in a different position
 - The insertion of a new staircase in the position of a previously removed staircase between ground and first floors in the southern half of the building
 - The opening up of the two ground floor fireplaces
 - The removal of two sash windows on the front elevation and the re-opening of two previously blocked exterior doorways in their place
 - Removal of a partition in the northern first floor rear bedroom
 - Blocking up a doorway between the two first floor front bedrooms
 - Reforming a staircase between the first and second floors in the southern half of the building

- Relining the studwork in the attic to provide walls and ceiling (no details are provided to indicate whether plasterboard or traditional lath and plaster is intended to be used).
18. No details are provided of any services such as the provision of conduits for electricity, plumbing or heating. Nor are any details provided of repairs which might be needed such as the cutting out and replacement of decayed woodwork, although it was apparent that some might be needed around the existing dormer windows in the attic storey.
19. The present internal layout of the building poses some challenges for continued use as a single large dwelling because of the way rooms, particularly bedrooms, are accessed through one another and lack an independent access. The previous blocking of the two front doors can be identified by the inserted brickwork beneath the two present window cills and by the inserted arch replacing previous lintels. A trace of paintwork outlining the form of an architrave can be seen to the side of one of the existing openings. The location of a previously removed staircase between the ground and first floors in the southern half of the building, matching in handed form that in the northern half of the building can be identified by the outline of new floorboards on the first floor. Part of the staircase between the first floor and the attic in the southern half of the building remains in situ.
20. In principle therefore, I accept that the concept of returning the building to the form of two cottages, which it once enjoyed, would do no harm to the significance of its features of special interest but much greater information and detail of the works needed to put that proposition into effect is required and of the philosophical approach towards them, for example identifying which doors would be retained and re-used where, prescribing in greater detail the extent and manner of opening up works around the fireplaces and identifying the materials to be used in the making good of damaged linings and of replacing those in the attic rooms and specifying repairs. Now that investigative work has identified the location of the original rear doors to the property, there should be a reconsideration of the way sanitary facilities are proposed to be inserted into the rear ground floor rooms of the property so that use can be made of the original openings.
21. The existing rear extensions include a brick-built structure with a tiled roof, annotated as a kitchen on the submitted drawings of the property as now. It is constructed in Flemish bond, as is the main house but the bricks are of a different, more intense red colour, redolent of having been imported from the midlands or north of England during the mid-nineteenth century. It is fitted with a hearth and a chimney but that appears to be made of a yet different brick, not accurately coursed in, and so appears to be a later alteration. The doors to east and west (the latter now connecting to the main house) seem to be alterations subsequent to the original construction. I agree with the suggestion made on the submitted drawings that this structure was originally built with only one door, that on its northern elevation, which now gives on to a flat roofed porch.
22. The kitchen building is not unattractive in itself. Its existence causes only a limited obstruction to the view of the catslide roof from the rear. On the other hand, it is evidence of the way the house was used for the past hundred years or so, so I am neutral as to its retention or removal. It is now connected to the

main house by a store, built of poor quality bricks. Between them the porch and store are a visual disfigurement. The store obscures the rear elevation of the main house, blocking an historic rear door and the probable location of an historic rear window. Whatever the merits of the rear outbuildings as illustrations of the way the house has been lived in during the twentieth century, the removal of the porch and store would add to the appreciation of the more historic material.

23. East of the brick-built kitchen building is an agglomeration of timber sheds under a corrugated metal roof. These house a wc and stores. Whatever their merits as illustrations of the way the house has been lived in in recent times, they are a disfigurement and their removal would enhance the setting of the rest of the listed building.
24. The proposed rear extensions would be a substantial building in its own right. The footprint would be about two-thirds that of the main house and so would begin to compete with it. Although divided into two halves by a valley gutter, the steeply pitched roofs would rise higher than that of the existing kitchen building to about two-thirds the height of the main house and so, although hipped towards the junction with the main house, would obstruct the view of the rear catslide roof to a greater extent than does the existing kitchen building as well as competing with the main house in terms of bulk.
25. Moreover, instead of being positioned away from the rear elevation of the main house, as is the present kitchen building, the addition would butt up to it and so would block even more of the historic rear elevation of the property, including three further historic windows, than do the existing attachments to the kitchen building.
26. The catslide roof of the existing building is one of its features, typical of a Kentish building. The proposed dormer windows would interrupt the continuous sweep of the roof slope and so harm its significance. Moreover, they are unnecessary as the first floor rear rooms can be adequately lit by windows in the side elevations as the existing windows demonstrate.
27. I therefore conclude that although elements of the proposals would do no harm and would even be beneficial to an appreciation of the significance of the listed building, the extensions and dormer windows would do harm. They would be contrary to policies 37 and 38 of the Bromley Local Plan January 2019 which, amongst other matters, require development to respect heritage assets and to preserve the character, appearance and special interest of listed buildings to be preserved. They would also be contrary to policy 7.8 of the London Plan March 2016, which requires the significance of heritage assets to be conserved.
28. In that the harm caused would not negate or destroy the significance of the listed building, it would be less than substantial (in the terminology of paragraph 195 of the National Planning Policy Framework) but, as paragraphs 193, 194 and 196 of the NPPF remind us, any harm should require clear and convincing justification and should be weighed against the public benefit of the proposal.
29. In this case, the public benefit of the proposals is that they would bring back into productive use a listed building that is currently not fit for habitation. The process would create one net additional residential unit. But there is no information to suggest that the proposals represent the only way in which

these benefits could be secured. As I have already noted, the proposed dormers do not appear necessary to secure adequate light to the two bedrooms they would serve. Others have suggested the retention of the existing kitchen building and the addition of a copy to serve the additional dwelling formed by the proposal. I make no comment on the acceptability of that, or indeed on the acceptability of any alternative proposal to extend the accommodation on offer in a different way to that proposed and standing more clear of the historic structure; I simply note that such propositions can be envisaged. In consequence, I am not convinced that the benefits of the proposal before me would outweigh the harm they would bring about.

Living conditions (appeal A only)

30. The Council points out that, even as proposed to be extended, each dwelling would have a floorspace of 95 sqm, which would not comply with the Technical housing standards – nationally described space standard for a three storey, three bedrooomed, 5 person (99 sqm) or 6 person (108 sqm) house which are adopted by London Plan 2016 policy 3.5. The appellant contends that the limited headroom in two of the bedrooms in each dwelling would restrict their occupancy to one person each so that the two dwellings would each be three storey, three bedrooomed 4 person units, requiring a floorspace of 90 sqm, thus complying with policy.
31. The rear first floor bedroom in each property would have restricted headroom and so would be likely to be occupied by only one person. I am not so convinced that the top floor room would be equally restricted but it is a moot point. What is clear is that one cannot be prescriptive about the occupancy of bedrooms outside publicly managed housing. It is also clear that when working with existing properties, one is, to an extent, constrained by the existing dimensions of rooms, unless they lend themselves to extension. It is noteworthy that the London Plan policy specifically refers to new development, whereas the current appeal concerns existing development, albeit creating a net additional dwelling.
32. I therefore conclude that although the proposals are not unequivocally compliant with the London Plan policy the degree and likelihood of infringement is not such as would warrant the dismissal of the planning appeal on that ground alone.

Other matters (both appeals)

33. The submitted drawings indicate the provision of an off-street car parking space for each dwelling, the subdivision of the curtilage and the nature of boundary fences. Parked cars do not improve the setting of a building but they are an inevitable accompaniment to modern life and would be present on-street if provision is not made for them off-street. The provision proposed would not be disproportionately extensive and so I make no issue of it. No specific provision is shown for cycle parking or refuse collection but sufficient curtilage would be provided to accommodate such facilities, which could be required to be provided by condition, if the appeals were allowed.

Conclusion (both appeals)

34. Legislation requires me to determine the planning appeal in accordance with the development plan unless material considerations indicate otherwise. There

is no suggestion that there is an absence of relevant development plan policies or that the policies most relevant for determining the appeal are out of date and so NPPF paragraph 11(d) does not come into play.

35. I accept that the proposals in the planning appeal would not adversely affect the character and appearance of the neighbourhood and would comply to that extent with the relevant parts of the development plan. Likewise, they would not adversely affect the setting of a listed building and so would comply to that extent with the relevant parts of the development plan. Under certain circumstances of occupation, they would contravene London plan policy 3.5 seeking to control the quantity of living space per person but the material considerations which I have set out earlier indicate that that policy should not be applied with unthinking rigour to this particular application.
36. However, I have reached the conclusion that the proposals would harm the special interest of the Grade II listed building, 60 Jackson Road and that their benefits would not outweigh the harm they would bring about. The proposals would be contrary both to the development plan and to the advice given in paragraph 196 of the NPPF. Both appeals are therefore dismissed.

P. W. Clark

Inspector