
Appeal Decision

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 Ref: APP/G5180/Y/19/3238981
69 Bromley Common, Bromley BR2 9LP

- 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 Ricardo Sicre against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/19/00419/LBC, dated 26 January 2019, was refused by notice dated 12 April 2019.
 - The works proposed are the erection of a single storey rear extension with two conservation roof lights, new patio area and associated minor internal alterations to the existing house without altering any external fabric of the house.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposal which is the concern of this appeal was originally the subject of a combined householder application for planning permission and application for listed building consent. Both applications were refused on the same day. Both were the subject of appeal. In other circumstances, both appeals would be considered together. Issues common to both appeals would be considered in parallel.
3. But the time periods within which an appeal may be lodged are different for the two types of application. The time period within which an appeal can be made against a refusal of a householder application for planning permission is twelve weeks. That for a listed building consent application is six months. The appeal against the refusal of listed building consent was made within the relevant time period. The appeal against the refusal of planning permission was not made within the relevant time period and so was turned away and is not being entertained. Consequently, this decision is concerned only with the listed building consent appeal.
4. The local planning authority considers this appeal pointless because, even if consent were given, it could not be implemented without a planning permission. Nevertheless, the appeal has been made and has not been withdrawn and so must be the subject of a decision. Moreover, its determination might limit or focus the areas at issue.

Main Issue

5. The local planning authority only refused listed building consent because it also refused planning permission. Its reasons for refusing planning permission did not include any heritage issues but related to the living conditions of adjoining residents and so are not of concern in the consideration of an application for listed building consent. The only issue in this appeal is the statutory test of the effects of the proposal on the special interest of the grade II listed building, N^os 69 and 71 Bromley Common, of which the current appeal premises form a part.

Reasons

6. The significance of the listed building is both historic and architectural. It is the relict of a once more extensive terrace of three dwellings built circa 1850, typical of the large houses developed along Bromley Common following its enclosure in 1826. The cornice with console brackets and the pattern of window glazing bars with narrow margin lights retained in some of the windows is typical of the decade in which it was reportedly built.
7. The layout of number 69 is also a physical manifestation of the way a family of the period would live. Behind the main façade is the block containing the family's accommodation of living room, dining room and three bedrooms (one now a bathroom) on the ground and first floors. The basement would have been used for storage, not least of coal. A modestly pitched roof is hidden from public view by a parapet and cornice.
8. Tenuously attached to the rear of the family's pavilion is a long thin service wing with lower floor to ceiling heights and a more shallow-pitched roof. From the remaining evidence it appears that originally it would have had a kitchen and a scullery on the ground floor and two servants' (or nursery) rooms on the first floor, one accessed through the other. The privacy of the family's accommodation was secured by the long windowless flank elevation of the service wing abutting the terrace in front of the dining room and by the thick wall separating the two wings of the house, pierced only by one narrow door at each level.
9. Over time, some modifications have occurred. The smallest family bedroom is now a bathroom. A corridor has been inserted into one first floor service room (severing it from its chimney breast), to lead independently to the other. The kitchen has been converted to a family room and the scullery to a kitchen, which has been provided with an external door to a passage at the side of the house. A window has been opened up in the flank wall separating the service wing from the terrace outside the dining room. Only the last represents any significant compromise with what can be understood to be the original builder's design intentions.
10. From an examination of the submitted drawings, it appears that the proposal would be to
 - Fit out one of the rooms in the service wing as a bathroom
 - Reposition a door in the first floor corridor of the service wing
 - Construct a brick-built extension 3.84m deep under a lean-to roof with rooflights on the site of the existing terrace to form a new dining room

- Construct a new terrace 2.32m deep in front of the extension
 - Block up the door from the kitchen into the external side passage
 - Remove the wall or partition separating the family room and kitchen and level up the kitchen floor to form a single, large room to be fitted out as a kitchen/family room
 - Enlarge an existing window opening in the end wall of the service wing to form a set of double French doors opening into the garden
 - Form an opening about 1.5m wide in the flank wall of the service wing between the new kitchen/family room and the new dining room
 - Reopen the currently blocked chimney breast (presumed site of original kitchen range) in the kitchen/family room and open its rear wall (onto the new dining room) to create a double sided fireplace serving both the family room and the new dining room.
11. The first floor alterations would be of little or no consequence. In the circumstances of this house, fitting a new bathroom into one of the rooms of the service wing would be entirely consistent with the significance of the layout of the house.
12. At ground floor level, little of the historic fabric to be removed would be of any intrinsic interest but the consequences to the layout of the house would be more profound as the clear historic separation between the family space and the service wing would be compromised. The existing kitchen door to the outside provides the service wing with a discreet access to the garden. Its proposed replacement by a set of French doors opening out the rear facade of the service wing onto the garden would rival in importance the French doors opening from the dining room into the garden and so would, symbolically, place the service wing on an equal footing to what was, historically, the family's accommodation, thus undermining the significance of the historic layout of the property.
13. The retention of the historic chimney breast (presumed site of the original kitchen range) is noted in the appellant's planning heritage statement as an element of the symmetry of this room. That symmetry would be compromised by the removal of the partition between this room and the present kitchen, the levelling up of the former scullery floor and the formation of a single, large, asymmetrical room. Moreover, it would unbalance the hierarchy of rooms within the house as it would have, according to the submitted drawings, at 28 sqm, the largest floor area in the house, diminishing the significance of the historic living room with 26 sqm floor area.
14. The new opening between the family room and the new dining room would provide the main conduit for circulation in the house as proposed to be altered. The construction of a new dining room would make the existing dining room redundant, a mere ante-room to the new dining room, devaluing its historic significance. The appellant's planning heritage statement notes that, due to the orientation, there is not much direct sunlight to the rear of the house apart from early morning sunlight. That was not a disadvantage apparent on the very sunny day of my visit but, in wintertime, even allowing for the rooflights in the new extension, the construction of the new dining room, with solid walls and roof, is likely to make the existing dining room appear gloomy. There are

indications that a conservatory once filled the space now proposed for the dining room extension but that would have presented little, if any, obstruction to light. Both the redundancy and reduced light in the present dining room would not encourage full use of this part of the listed building.

15. Both the existing sitting room and the existing dining room have symmetry based on two axes; one based on the fireplaces in each room, the other based on the windows in each room. For the existing dining room, the latter axis is carried out across the terrace and down the stairs into the garden. The proposed extension would compromise this axis because the new French windows and stairs down to the garden are centred on the narrower dimension of the new dining room and so would be off-set from the axis of the existing French windows. As the axis of the existing French windows is also the axis of the first floor bedroom windows, the off-set axis of the new extension would compromise the overall symmetry and balance of the rear elevation.
16. In summary, the ground floor elements of the proposal would result in harm to the contribution made by number 69 to the significance of this listed building, both in terms of an understanding of social history and to the architectural design of the rear façade. Each element of harm would be, by itself, relatively trivial and, even cumulatively, the harm is very much 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.
17. The justification put forward by the appellant is not that the present layout of the building is unworkable or incapable of being used in its present form; rather that the layout does not reflect contemporary desire for fluid open plan spaces which can be used flexibly, as opposed to the formal designations of times past. The present location of the kitchen in the former scullery is remote from the dining room and that is, indeed, an inconvenience which does not ease the way the house can be used but its current layout does not otherwise present an existential threat to its future beneficial use. Consequently, there does not appear to be any great public benefit to balance against the, admittedly moderate, harm which would result from the package of works proposed. The appeal is therefore dismissed.

P. W. Clark

Inspector