
Appeal Decision

Site visit made on 2 September 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/G5180/W/20/3249496

Downe Hall Farm, Cudham Road, Downe, Orpington BR6 7LF

- 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 A Mackenzie against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05106/FULL1, dated 27 November 2019, was refused by notice dated 5 February 2020.
 - The development proposed is the conversion of existing building into a one-bedroom dwelling with private garden area and two parking spaces.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the appeal site, surrounding area and the Downe Conservation Area.

Reasons for the Recommendation

4. The appeal site accommodates a two-storey detached dwelling with three ancillary outbuildings located within the Downe Conservation Area (the Conservation Area), which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The significance of the Conservation Area relates to its historic nature, strong nuclear form and rural backdrop. The appeal site is located on the edge of the Conservation Area and the modest form, vernacular design and traditional use of materials on the host dwelling and outbuildings, make a positive contribution to the significance of the Conservation Area. Two of the outbuildings are located directly adjacent to Cudham Road which makes them highly visible within the street scene. The proposal would convert one of these outbuildings, which currently has ancillary residential use, into a separate one-bedroom

- dwelling. The works would include a dormer window on the rear elevation, the sub-division of the plot to create a garden and the provision of two car parking spaces.
6. The land to the rear of the outbuilding, to be sub-divided to create a garden for the new dwelling, is currently used as garden space for the host dwelling. Although there would be some increased use of this space from the occupants of the new dwelling, the physical manifestations of the sub-division of the plot would have limited visibility from the road and the small changes, such as additional domestic paraphernalia, would not have a significant impact on the appearance of the site or the overall Conservation Area. Similarly, the proposal would provide a small amount of additional hardstanding from the existing driveway for car parking, and therefore would have little impact on the appearance of the site and the surrounding area.
 7. The appellant has stated that the occupancy of the building as a separate dwelling would be no different to its current ancillary residential use and that the proposal is an upgrade of what is permitted already. I agree that the sub-division of the site and the use of the building and its garden for residential purposes would be similar to its current permissible use and would therefore have little impact on the character of the Conservation Area.
 8. Turning to the proposed dormer, a clear view of its side face would be available from the western parts of Cudham Road due to the location of the outbuilding at the front of the site and the positioning of the neighbouring dwelling Snapdragon set back from the road. The proximity of the outbuilding to the road and the space which surrounds it gives the building a prominent appearance, more so than the host dwelling itself. Therefore any changes to the building, such as the proposed dormer, would impact greatly upon the character and appearance of the street scene and the wider Conservation Area.
 9. The proposed dormer would be a large feature on the existing building and its significant size and flat roof design result in a modern and dominant addition to the building, which is currently modest and traditional in appearance. Although the traditional characteristics on the other elevations of the building would largely remain, the addition of the dormer of this size and design would be overly dominant and incongruous and would not be sympathetic to the current proportions of the building to the detriment of the site and the surrounding area. Its appearance as a separate dwelling, through the addition of the dormer, would also reduce the subservience of the outbuilding to the main house. Other dormers may have been granted permission in the area, which has a wide range of building styles. However, it is the specific box design and significant size of the dormer along with the prominent location of the outbuilding which would result in a harmful impact to the character and appearance of the site and the surrounding Conservation Area.
 10. I conclude that the proposed development fails to preserve the character and appearance of the site, surrounding area and the Conservation Area. Therefore, it conflicts with Policies 37 and 41 of the London Borough of Bromley Local Plan (2019) and Policies 3.5 and 7.8 of The London Plan (2016). These collectively seek to ensure high quality design and layout whilst preserving or enhancing the character and appearance of conservation areas and conserving the significance of heritage assets.

11. Although it has been found that the proposal would not preserve the character and appearance of the Conservation Area, the harm in the wider context of the overall Conservation Area, is not considerable and therefore, having regard to the National Planning Policy Framework (the 'Framework'), the harm to the significance of the Downe Conservation Area is less than substantial. The Framework requires, where there would be less than substantial harm, for it to be balanced against the public benefits of the scheme.
12. The appellant has stated that the Council cannot demonstrate a sufficient five-year housing land supply and that the proposal would contribute one dwelling to the supply. Two 2019 appeal decisions for nine new dwellings have been highlighted where the Inspector indicated that any new houses should command substantial weight as a benefit. However the weight to be given to this matter is for the individual decision maker to assign based on the evidence before them, and in that respect I note those appeals considered a scheme for nine houses and that documents relating to the Council's housing supply were provided at the Inquiry. Based on the evidence before me, which includes no substantive evidence to demonstrate there is still a shortfall in housing supply, it is considered that even if there is still a shortfall in housing supply, the contribution of this single unit to that, although beneficial, would not be substantial. Therefore, moderate weight is given to this benefit.
13. Although the appellant indicates that the proposal would secure the future use of the building, it is not considered that the proposed development is necessary to achieve this nor that its future is in doubt. Therefore, this can only be given minimal weight. It is also noted that the proposal would provide economic benefit by way of employment for local builders, but this would not be a significant economic benefit due to the limited scope of the proposal and would only carry very limited weight.
14. Overall the public benefits of the scheme are not significant enough to outweigh the less than substantial harm to the heritage asset previously identified. In addition, the application of paragraph 11 d) i. of the Framework states that where there is not a sufficient housing supply, planning permission should be granted unless the application of policies within the Framework, including the protection of heritage assets such as conservation areas, provide a clear reason for refusing the development. As I have found that the proposal would cause harm to the significance of the conservation area and that there are no public benefits that outweigh that harm, the development would conflict with paragraph 196 of the Framework and this gives a clear reason for dismissing the appeal, should paragraph 11 d) i. be applicable.

Others Matters

15. The appellant has highlighted that the proposal would not be inappropriate development in the Green Belt. This has not been contested by the Council and I find no reason to disagree with this conclusion.

Conclusions and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR