



Appeal Decision

Site visit made on 10 June 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/G5180/W/20/3259666

6 Commonsides, Keston, BR2 6BP

- 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 P Bolton (Third Wave Coffee Group Limited) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01551/FULL1, dated 29 April 2020, was refused by notice dated 24 June 2020.
 - The development proposed is the erection of a retractable fabric canopy structure to replace the three awnings providing shelter over the existing patio.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the Keston Village Conservation Area.

Reasons

3. The proposed development is shown in the submitted elevation and plan, technical information, and explained in a Design and Access Statement. These set out that the canopy would be a fixed installation: there would be vertical aluminium posts around the perimeter of the existing sitting out area and a framework above, with blinds within that framework that can be retracted.
 4. The appeal property lies within the Keston Village Conservation Area. Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area.
 5. The Conservation Area extends from the open common land, with buildings fronting the open space and woodland and extending to the south east. There is a mix of residential and commercial properties, with a predominately small-scale of development and gentle, rural feel. Buildings are set close to the open space and there is an intimate village-type appearance to the area. The significance of the Conservation Area derives from this rural and village character, which is of particular importance given the proximity of suburban and urban areas in near proximity.
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6. The appeal property currently has three retractable blinds. These are of traditional design, being fabric on wooden frames. They must be extended and retracted by hand which, I am informed, is a laborious process as well as being disruptive to customers. I also understand these blinds are subject to damage from adverse weather.
7. The proposed works would improve the ability to serve customers in an outside area protected from the weather. However, I share the concerns of the Council's Conservation Officer regarding the scale and design of the installation. The proposals would create a permanent structure attached to the front of the building, with a substantial vertical and horizontal aluminium framework. The roof element of this structure would be curved. The form, scale and materials of this structure would jar with the subdued and modest existing building that sits comfortably in its frontage to the common land; the new framework would be a discordant element to the building, being an overtly solid structure visible in long views along and across open land.
8. The change to the building and the high degree of visibility would create an intrusive feature in the area, which would harm the rural character and appearance of the Conservation Area. The significance of the Area derives from these features, and the proposed development would have a harmful effect on these features.
9. The proposed development would therefore conflict with Policies 37 and 41 of the London Borough of Bromley Local Plan 2019, and Policies D4 and HC1 of the London Plan 2021, whose aims include ensuring development is of a high standard of design and conserves or enhances heritage assets and their character, appearance and setting.
10. Thus, there would be harm to the significance of the Conservation Area as a designated heritage asset and I attach considerable importance and weight to this harm. That harm would be less than substantial and so, in accordance with paragraph 195 of the National Planning Policy Framework, must be considered against the public benefit of the proposal.
11. From what I have read and seen at the site visit I can appreciate that the proposed canopy would provide an improved sitting out area for the coffee shop, compared to the situation that exists at present. And based on that same evidence I consider this likely to lead to some economic benefit through improved trade at the premises, though the degree of benefit is difficult to quantify (and indeed there are no specific submissions on this matter). One of the objectives of the NPPF is an economic objective, with support given to help build a strong, responsive and competitive economy. I therefore consider this to be a public benefit arising from the proposal.
12. In accordance with paragraph 195 of the Framework I must balance this against the identified harm to the significance of the heritage asset. In this instance it is my judgement that the degree of harm that arises due to the scale, form and design of the proposed canopy would be of a magnitude that clearly outweighs any economic benefit: there would be appreciable, long-term harm to the established character and appearance of the Conservation Area, and there is a considerable wider public interest in preserving these matters. The less tangible and quantified economic benefit does not offset this finding.

13. I therefore conclude that there are no public benefits arising from the proposed works that would outweigh the harm identified. My conclusions thus remain the same on the main issue and so the appeal is dismissed.

C J Leigh

INSPECTOR