



Appeal Decision

Site visit made on 7 December 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 JANUARY 2022

Appeal Ref: APP/G5180/D/21/3281171

Old Woodlands, Brenchley Close, Chislehurst, BR7 5NQ

- 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 Melvyn Ross against the decision of the Council of the London Borough of Bromley
 - The application Ref: DC/20/03866/FULL6 dated 24 September 2020, was refused by notice dated 26 May 2021.
 - The development proposed is erection of single garage with front hardstand for one car; including new gates and railings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council raised two separate reasons for refusal, one relating to the impact of the development on the character and appearance of the Chislehurst Conservation Area and the second in terms of the effect of the development on trees on the site. Whilst I agree that both issues are pertinent, it is my view that they are interrelated and can and should therefore be dealt with under one main issue.
3. Accordingly, the main issue in this appeal is the effect of the proposal on the character and appearance of the Chislehurst Conservation Area, with particular reference to the impact on existing trees.

Reasons

4. The appeal property is an attractive, traditional semi-detached property which, with its other 'half', turns the corner from Old Hill into Brenchley Close, within a predominantly residential area. It has a long verdant frontage along Brenchley Close, demarcated with a low stone wall and planting, with several trees along the frontage and within the garden.
5. The appeal site lies within the extensive Chislehurst Conservation Area, which is varied in character and appearance but predominantly comprises a number of residential areas around the open areas of Chislehurst Common. The green open spaces combined with generally well planted gardens create a sylvan and verdant character and appearance which contributes to the significance of the Conservation Area. Notwithstanding this general pattern of development, there is considerable variety to the development within parts of the Conservation

Area and Brenchley Close includes mainly newer infill development, including the small development of Davema Close, but all set against a verdant wooded backdrop. Reflecting the varied development pattern, there is also a variety of frontages, including open frontages, railings, fences and low walls. There are also extensive areas of hardstanding within individual properties and within Davema Close.

6. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The proposal would introduce a single garage towards the southern boundary of the plot with a hardstanding in front, together with railings along the property boundary and gates to provide access to the garage and hardstanding. The railings would be set on a low wall with brick piers to support the iron railings and gates.
8. The garage itself would be of modest scale in relation to the surrounding development and would be well spaced from the existing house and the adjacent development. It would be of traditional design and materials and I do not consider that it would be an over dominant structure which would detract from the varied pattern of development in the local area.
9. Concern has been raised by the Council that the proposal would be far too 'manicured'; I agree that it is difficult to reconcile the illustrative image with the existing garden and its appearance. However, the manner in which individuals choose to manage their private gardens is primarily a matter of personal taste. My consideration is necessarily directed to the impact of the proposed development for which planning permission would be required.
10. The introduction of railings set on a low wall with gates at the vehicular entrance would be readily assimilated into the range of frontage treatments within the immediate and wider area. It is not clear from the application forms or the submitted plans but the Appellant's appeal statement indicates that the existing low wall would be retained; I agree that this is an attractive feature which contributes to the character and appearance of the Conservation Area. Were there no other matters of concern and permission were to be granted, the retention and treatment of alterations to the existing wall could be addressed by condition.
11. The side garden to the appeal property comprises a number of trees which are seen in public views. Whilst none appear to be individually protected by a Tree Preservation Order, I agree with the Council that the existing trees, taken together, do contribute positively to the verdant character and appearance of the Conservation Area. The proposal would necessitate the loss of two trees, a Holm Oak (T3) and a Sycamore (T6) as set out in the Arboricultural Impact Assessment Report by Greenwood Environmental Limited dated 23 February 2021 (AIA Report). A further tree, a Lawson Cypress (T4) is indicated to be dead with a recommendation to be removed for health and safety reasons, independent of the garage proposals. The AIA Report indicates that two further trees, a Copper Beech (T2) and a Sycamore (T7) and to a lesser extent a Copper Beech (T1) would be harmed if construction were undertaken in a traditional manner and the report together with further advice submitted at the appeal stage has recommended alternative construction methods to enable these trees to be retained.

12. The Appellant's arboricultural adviser has submitted further information at the appeal stage regarding low impact construction methods to safeguard the trees which are shown to be retained and in particular T2 and T7. I appreciate that the precise location of roots can only be ascertained on site at the site preparation stage. However, I share the Council Officer's concerns that the general information provided rather than a more detailed and bespoke solution does not provide confidence that these trees could be retained, particularly given the very close proximity of the trees to the proposed pillars supporting the gates and providing access to the garage. There is also no information provided regarding whether there would need to be any regrading of the land for the site access, hardstanding and garage, which could also affect the retention of the trees. It has not therefore been demonstrated that the proposal as submitted would enable these trees to be retained and maintained following the works. There could therefore potentially be the loss of 4-5 trees as a result of the proposed works.
13. Whilst I do not consider that all the trees are individually significant, the combined effect of the trees required to be felled and the potential loss of further trees would have a harmful impact on the verdant and sylvan character and appearance of the site and its contribution to the significance of the Conservation Area.
14. Policies 43 and 73 of the Bromley Local Plan seek replacement planting where trees are to be lost, but no replacement trees have been proposed. I have considered whether I could impose a condition regarding the submission of further details of the works proposed; a bespoke construction solution to protect the existing trees together with new replacement planting proposals. However, I am not satisfied that I have enough information in front of me to be confident that such conditions would secure the objective to maintain the verdant character and appearance of the Conservation Area.
15. I am therefore not satisfied that the proposals would respect the significance of the designated heritage asset; they would not preserve the character and appearance of the Chislehurst Conservation Area, with particular regard to the effect on trees. This harm would conflict with Policies 37, 41, 43 and 73 of the Bromley Local Plan and Sections 12 and 16 of the Framework, all of which seek a high standard of design which protects the significance of designated heritage assets, including Conservation Areas, and with particular regard to the protection of trees.

Other Considerations

16. I have noted the concerns raised regarding the impact on limited on-street parking in the area. However, the provision of off-street parking would potentially replace existing on-street parking and would not materially alter the existing situation.

Conclusion

17. The proposal would have a negative effect on the significance of the designated heritage asset, the Chislehurst Conservation Area, and would result in less than substantial harm as set out under Paragraph 202 of the Framework. The same paragraph sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced although work on the proposal could lead to some

small benefits to the local economy. These limited public benefits would not be sufficient to outweigh the harm.

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR