



Appeal Decisions

Site visit made on 1 March 2022

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an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 July 2022

Appeal A Ref: APP/G5180/W/21/3277388

Flat 4, Chesil House, St Pauls Cray Road, Chislehurst BR7 6QF

- 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 Max Warren against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/03084/FULL1, dated 11 August 2020, was refused by notice dated 19 May 2021.
 - The development proposed is creation of roof terrace upon existing flat roof to include insertion of doorway in place of existing window and installation of cast iron balustrade.
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Appeal B Ref: APP/G5180/Y/21/3277389

Flat 4, Chesil House, St Pauls Cray Road, Chislehurst BR7 6QF

- The appeal is made under section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Max Warren against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/03086/LB, dated 11 August 2020, was refused by notice dated 19 May 2021.
 - The development proposed is creation of roof terrace upon existing flat roof to include insertion of doorway in place of existing window and installation of cast iron balustrade.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 16th March 2022.

Decisions

1. Both appeals are dismissed.

Procedural Matter

2. The two appeals concern the same scheme under different, complimentary legislation. I have dealt with both schemes together in my reasoning.

Main Issues

3. The main issues are:
 - a) In relation to both appeals: whether the proposed works and development would preserve the Grade II* listed building or any features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character and appearance of the Chislehurst Conservation Area.

- b) In relation to Appeal A: the effect of the proposed terrace on the living conditions of the occupants of neighbouring properties in relation to privacy.

Reasons

Appeals A and B: Effects on designated heritage assets

Significance

4. Chesil House is a large Grade II* listed building dating from the 18th century, which has been sub-divided into 7 flats. It is constructed in red brick with a slate roof. Its Venetian windows and porch are important and distinctive features of its front elevation.
5. The rear elevation has less elaborate windows than those at the front. Nevertheless, their arrangement and fenestration details have common elements which give the elevation a cohesive appearance. In particular the first floor windows are characterised by a consistency of style and shape which gives a strong sense of rhythm and uniformity to this part of the elevation. On the other hand, the openings serving the ground floor flats have greater variety. Each has a central door on to a small semi-enclosed terrace, flanked by windows on either side. Flat 2, which is immediately below No 4, has a large rectangular bay window with a flat roof which projects beyond the rear elevation. It is a unique, prominent, simply designed feature which makes a positive contribution to the appearance of the rear of the building.
6. The classical features and proportions of Chesil House, the materials used in its construction and the distinctive windows which characterise its principal elevations, all contribute towards its special architectural interest and significance. As a rare example of an intact property dating from the 1770s, the articulation of all its facades contribute to its significance, even though they cannot be seen from any public viewpoints
7. Chesil House lies within the Chislehurst Conservation Area (CCA). This is the largest and most complex conservation area in the borough. Its significance derives from its historic development as an area characterised by spacious suburban development where those with sufficient means created a residential retreat from the industrialised city. The CA's most distinctive characteristics are the common lands around which development has taken place and upon which the settlement still centres. The area includes a number of large homes built in the Arts and Crafts style which occupy substantial parcels of land within established woodland, accessed by winding rural lanes. Properties which front onto the main routes through the CCA, including Chesil House, contribute positively to its character and appearance.

Assessment

8. A group of three Georgian sash windows, one wide and two narrow ones, serve the living room of Flat 4. The proposal seeks to replace the large central window with a door. This would enable the creation of a terrace on the flat roof of the bay window serving Flat 2. It is proposed to enclose this terrace/balcony with iron railings.
9. There are currently no doors serving outdoor space at first floor level at the back of Chesil House. The replacement of the existing sash window with a door would disrupt the symmetry and harmony of the fenestration pattern on the

rear elevation. It would also result in the loss of historic fabric and introduce double glazing, which would be out of keeping with the historic glazing elsewhere on the building. These harms could not be mitigated by the use of high quality materials. The door, balcony and railings would also appear as an alien and incongruous addition on top of No 2's bay window, whose wooden and white painted framework stands proud of the rear elevation.

10. The relationship between the proposed new door and roof terrace at first floor level would be fundamentally different from that which currently exists between the doors serving the ground floor flats and their associated terraces. The proposal is therefore not comparable with alterations that were previously permitted for the insertion of doors serving Flats 1A and 2. I acknowledge that iron railings can be seen on the first floors of other properties dating from the 18th century. However, that is not a reason to introduce one at Chesil House where there are none at present. For all these reasons, the proposal would be harmful to the appearance of this fine Grade II* listed building.
11. Chesil House contributes positively to the CCA, particularly its front elevation which is visible from St Pauls Cray Road. Nevertheless, the proposed works would be visible from the communal rear garden which is available to and used by the residents of the other flats within Chesil House. The adverse effects on the rear elevation would diminish the house's contribution to the significance of the CCA. Consequently, the character and appearance of the CCA would not be preserved.

Public benefits

12. In terms of the National Planning Policy Framework (the Framework) I consider the harm identified may be quantified as less than substantial. However, this assessment of harm still amounts to a significant objection. It is therefore necessary for me to weigh this harm against the public benefits of the proposal as required by paragraph 202 of the Framework.
13. I appreciate that the provision of a small area of private external amenity space to Flat 4 would be beneficial to existing and future occupants. However, as it would only be available to them, it would be a private benefit. There are no public benefits arising from the scheme to weigh against the identified harm.
14. Consequently, the works would fail to preserve the special architectural interest of Chesil House, a Grade II* listed building, and the character and appearance of the CCA. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard and pay special attention to these designated heritage assets. The works would also fail to comply with paragraph 199 of the Framework which states that great weight should be given to conserving the significance of designated heritage assets. The proposal would also conflict with Policies 37, 38 and 41 of the Bromley Local Plan 2019 (BLP). These policies seek to promote high quality design, in order to ensure that the character, appearance and special interest of the Borough's listed buildings are preserved, and that the character and appearance of its conservation areas are preserved or enhanced.

Appeal A: Living conditions

15. In common with the other first floor flats, the living room window of Flat 4 looks out on the communal garden at the rear of the property. However, at present the flat roof of No 2's bay window effectively prevents any overlooking of the semi-private terraces associated with the ground floor flats. Although these terraces are not entirely enclosed, fencing and vegetation in pots has been arranged to provide the occupants of these flats with a good degree of privacy when sitting outside. There are only limited views into them from the rest of the garden.
16. The proposal would allow someone to stand beyond the existing rear elevation of Flat 4 and look directly over these small private amenity spaces. This would be particularly intrusive as the views would be from a high level. As a result, these terraces would become less pleasant places to be. Vegetation is not a permanent feature, so could not be used to mitigate this harm. The use of the terrace could also lead to some noise and disturbance which would add further to the adverse effects on the neighbours.
17. I conclude that the proposal would harm the living conditions of the occupants of the ground floor flats, arising from an unacceptable loss of privacy and additional noise and disturbance. The proposal would therefore conflict with Policy 37 of the BLP, which requires development to respect the amenity of occupants of neighbouring properties. Although Policy 6 of the BLP is cited in the Council's decision notice, it is concerned with the design of extensions and is therefore not directly relevant to this issue.

Conclusions

18. I have found that the proposal would fail to preserve the special architectural interest of Chesil House, a Grade II* listed building, and the character and appearance of the CCA, contrary to the Act, the advice of the Framework and the development plan. In addition, respect of Appeal A, I have found conflict with the development plan arising from harm to the neighbour's living conditions.
19. For these reasons, I conclude that both appeals should be dismissed.

Sheila Holden

INSPECTOR