



Appeal Decision

Site visit made on 21 September 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 NOVEMBER 2022

Appeal Ref: APP/G5180/W/21/3285281

1 Beech Dell, Keston BR2 6EP

- 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 Adil Adil against the decision of London Borough of Bromley Council.
 - The application Ref DC/21/00491/FULL1, dated 29 January 2021, was refused by notice dated 23 July 2021.
 - The development proposed is demolition of existing house and outbuildings and replacement with new detached house and garden pavilion.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house and outbuildings and replacement with new detached house and garden pavilion at 1 Beech Dell, Keston BR2 6EP in accordance with the terms of the application, Ref DC/21/00491/FULL1, dated 29 January 2021, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issue is the effect of the development on the character and appearance of the Keston Park Conservation Area (KPCA).

Reasons

3. The appeal site is a 1930s detached dwelling in a mock Tudor style with timber framing, a thatched roof, tall brick banded chimneys, and leaded light windows. It is located in the centre of the Keston Park private estate, within the KPCA. Beech Dell is a narrow tree-lined road which dips sharply to its lowest point to accommodate a stream along the eastern edge of the appeal site. Much of the appeal site is therefore lower than adjoining land.
4. I am required to have special regard to the desirability of preserving the character and appearance of conservation areas under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. The National Planning Policy Framework (the Framework) also requires me to give great weight to the KPCA's conservation, and any harm to the significance of a designated heritage asset requires clear and convincing justification.
5. The KPCA is characterised by large individually designed detached houses among mature trees on spacious plots. Its significance lies in its historical connection with the Holwood House Estate, and the way the landscape from Holwood Park was incorporated into a high-quality residential development, allowing scope for the construction of large and individualistic private homes in

a manner typical of American suburban development. The SPG states that the character of the Park is maintained by two components: a strong landscape framework (a common approach to tree and shrub planting, the design and layout of paths and driveways and other equivalent elements) and a very low development density. And as a result, the houses sit within a dominant landscape setting.

6. The SPD also states that the nature of the Park is such that the re-development (demolition and replacement) of individual dwellings may be possible if the proposal involves the replacement of a house that does not make a positive contribution to the character and appearance of the Park. Its specific reference to the significance of the survival of individual estate dwellings, notably a keeper's cottage and a gate lodge, appears to relate to elements preceding the development of the existing estate.
7. I have not been made aware of a list or map of those buildings within the KPCA which the Council considers make a positive contribution or are non-designated heritage assets. Although the existing building is the only thatched building I saw at the time of my visit, variety of building styles and design is an inherent part of the KPCA and its significance.
8. The thatched roof of the existing building makes for an attractive view from its entrance gates but, with significant tree cover on the boundaries and the deep setback of the house in the site, views of the house are very limited. Although it may be one example of an original dwelling on the estate, the Council advise that numerous well-preserved and attractive examples of original houses remain.
9. I note the existing building is not the work of an architect of particular note, doesn't have landmark quality, isn't historically associated with local people or events, and I have not been advised it is within the setting of any adjacent designated heritage assets, or relates to any in any significant way. The house has been extended, with an unusual first floor terrace with thatched surrounds, and a Lawful Development Certificate has been issued for replacement of the thatched roof with tiles. Individuality and diversity of house designs are also inherent in the nature of the estate. I therefore consider the existing dwelling makes a neutral contribution to the significance of the KPCA, and to its character and appearance.
10. Most dwellings in the KPCA stand on relatively level ground and have very public frontages. In contrast, the appeal site sits at the bottom of a small valley and climbs one of its sides. Although three storeys at its lowest level, adjacent to the pond and stream, the basement level would cut into the valley sides to form basement car parking. In combination with mature trees on all sides of the appeal site, and its siting set well back into the plot, the flat roofed 2-3 storey dwelling would be well screened.
11. A key element of KPCA is allowing scope for the construction of large and individualistic private homes and the innovative incorporation of the landscape from Holwood Park into a high-quality built development. The proposed building would be a contemporary flat roofed design, of which I saw only one other on the estate at the time of my visit. Black brick and stone, contrasting Portland stone, large areas of glazing, and a stone wall exterior to exposed areas of the basement, would make its design and use of materials unique on the estate. However, as set out above, its position set back from the road and

with heavily landscaped boundaries means its unique design would not be generally apparent in the area. It would be substantially larger than the existing dwelling, but that would not be particularly unusual on the estate, where large replacement dwellings have become common.

12. Very large dwellings are by no means unusual in the KPCA, and in this case the proposed dwelling would be accommodated on the appeal site within a clearing in the heavily landscaped setting.
13. In my view the proposal conforms with the highly dispersed and wooded character of the conservation area, and in regard to the scale of construction. It does not conform with the approach taken by surrounding dwellings in terms of design and materials, but the appeal site is not a typical plot in the KPCA. The location of the proposed dwelling on the plot reflects that of the original dwelling, and the proposed dwelling is lower than many of the surrounding dwellings, and on lower ground.
14. I therefore find that the proposed dwelling would preserve the character and appearance of the KPCA and would not harm its significance. It would accord with BLP Policies 4, 37 and 41 and LP Policy HC1, which together relate to design and development in conservation areas.

Other Matters

15. The multiple terraces at first floor level and large glazed areas have the potential to reduce the privacy of neighbouring residents in their tennis courts and gardens. Given the scale of the site, and the extent of existing boundary planting, this matter could be addressed by supplementary planting secured by a planning condition.

Conditions

16. I have set out the standard time limit for implementation and the approved plans for certainty.
17. I have required tree protective barriers and ground protection measures, a site survey, details and samples of the materials to be used in the construction of the external surfaces, and a surface water drainage scheme. These conditions are required to be pre-commencement conditions to protect existing trees from construction works, establish a baseline from which to confirm proposed floor levels, secure appropriate materials prior to construction of the basement to ensure the preservation of the character and appearance of the KPCA, and prevent flooding on- or off-site during or after construction.
18. Notwithstanding my initial consideration of a separate condition to secure the privacy of neighbouring residents, from the windows and terraces on the proposed northern and western elevations, I have required a landscaping condition which would preserve the character and appearance of the KPCA and provide additional screening along site boundaries to ensure privacy is retained. I have also imposed conditions requiring parking and turning spaces to ensure suitable access for vehicles.
19. I have imposed conditions advised by consultees requiring details of swimming pool plant noise levels in the interests of the living conditions of neighbouring occupiers, and relating to NOx emissions as the site is within an air quality management area.

20. Given the scale of the proposed development, its proximity to site boundaries, and the significance of maintaining a landscape setting for the development, I have removed permitted development rights for extensions, enlargement or alteration of the dwelling, buildings and structures in its curtilage, and boundary treatments.

Conclusion

21. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is allowed and planning permission granted, subject to the conditions in the schedule below.

Peter White

INSPECTOR

Schedule of Conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 7428-PD01, 7428-PD02, 7428-PD03, 7428-PD04, 7428-PD05, 7428-PD06, 7428-PD07, 7428-PD08, 7428-PD09, 7428-PD10.
3. No site clearance, preparatory work or development shall take place until tree protective barriers and ground protection measures have been installed in accordance with Chartwell Tree Consultants Ltd Arboricultural Report dated 12th January 2021. The development shall be carried out at all times in accordance with that report.
4. No development shall take place until a full site survey has been submitted to and approved in writing by the local planning authority, showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; and how the proposed floor levels depicted on plans 7428-PD08 and 7428-PD09 relate to the surveyed existing site levels. The development shall be carried out in accordance with the approved details.
5. No development shall commence until details, including samples, of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out, in accordance with the approved details.
6. Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted to and approved in writing by the local planning authority. Before details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy SI 13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water; and
 - ii. a management and maintenance plan for the lifetime of the development.The development shall be carried out in accordance with the approved scheme and shall be completed prior to first occupation of the dwelling.
7. Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the local planning authority. The site shall be landscaped in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.
 - (i) Details shall include:
 - A scale plan showing all existing vegetation to be retained and trees and plants to be planted;
 - Proposed hardstanding and boundary treatment;
 - A schedule detailing sizes and numbers of all proposed trees/plants;

- Sufficient specification to ensure successful establishment and survival of new planting.
- (ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees except as shown on the approved details.
- (iii) Any new trees or shrubs that die, are removed or become severely damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season. Replacement planting shall be in accordance with the approved details.
8. Details of the swimming pool equipment and the insulation of the plant shall be submitted to and approved in writing by the local planning authority before installation. The noise level from swimming pool plant in terms of dB(A) must remain at all times 5 decibels below the relevant minimum background noise level (LA90 15mins) when measured at any location on the curtilage of the property. Should the plant have a distinctive tonal or intermittent nature the plant noise level shall be increased by a further 5dBA for comparison with the background level.
9. Before commencement of the use of the land or building hereby permitted parking and turning spaces shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use.
10. Any gas boilers must meet a dry NO_x emission rate of less than 40mg/kWh.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure, extension, enlargement or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.