



Appeal Decision

Site visit made on 7 December 2022

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2022

Appeal Ref: APP/G5180/W/22/3297969

15 Heathfield Road, Keston, BR2 6BG

- 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 G Lancaster against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/00755/FULL1, dated 17 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is described as 'Introduction of doorway at ground floor level to front of property to serve established residential accommodation above to enable the provision of a two bedroom, three person flat on upper floors. Retention of shop front and shop premises (Class E use) at ground floor level and its associated storage area to rear, and replacement of existing rear access doors serving storage area.'
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Preliminary matters

1. The doorway to the front of the property and the works to the upper floors have been undertaken, though the design of the door to serve the upper floor flat differs from that shown on the drawings refused permission by the Council. I have therefore determined this appeal on the basis of seeking planning permission for the retention of the development as described above.

Decision

2. The appeal is allowed and planning permission is granted for the retention of a doorway at ground floor level to front of property to serve established residential accommodation above to enable the provision of a two-bedroom, three person flat on upper floors; retention of shop front and shop premises (Class E use) at ground floor level and its associated storage area to rear; and replacement of existing rear access doors serving storage area at 15 Heathfield Road, Keston, BR2 6BG in accordance with the terms of the application ref DC/22/00755/FULL1, dated 17 February 2022, subject to the following conditions:
 - 1) Within 3 months of the date of this decision a plan shall be submitted to the local planning authority for approval showing the proposed front elevation of the building.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
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- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, LJD-104-22-PL001C, LJD-104-22-PL002C, LJD-104-22-PL003C, LJD-104-22-PL005C and the plan referred to in Condition 1 above.

Main issue

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

Reasons

4. The appeal site lies within the Keston Village Conservation Area, where I have a duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area.
5. The Keston Village and Nash Conservation Area Supplementary Planning Guidance (SPG) (adopted 1999) describes the evolution of Keston over several phases of development. There are many pleasant buildings within the Area that reflect this evolution of the village, with the village being surrounded by undeveloped land. This diversity of buildings and the setting of Keston in open common land and countryside is an important element of the character of the Area, and the significance as a heritage asset derives from this.
6. The appeal premises lie in a short row of commercial properties. I saw that there is some variety in these properties at ground floor, though the properties on either side also have small-paned windows with stall risers. The property further to the south, No. 19, has a modern frontage. I also saw that the adjoining property of No. 17 has doors in the front elevation to both the shop and to the upper floor accommodation, albeit that property is wider than the appeal site.
7. The appellant explains the works undertaken to No. 15 have seen the modification of the shopfront by the insertion of the new door, with the remainder of the original shopfront being retained. The new door that has been installed at the property is different to that shown on the drawings refused permission by the Council. Unlike the inappropriate faux-Georgian design as shown on the drawings, the installed door is of a design that closely replicates the proportions of the original shopfront, which creates a visual impression of a still-balanced shopfront of 3x3 panes either side of the central door. I acknowledge there is not absolute symmetry – by virtue of the new door itself – but in my view the works retain the important design characteristics of the ground floor frontage and thus have not adversely affected the appearance of the shopfront. The scheme therefore fits comfortably within the existing row of properties, and the character of the wider area, and so there is no harm to the significance of the heritage asset.
8. The provision of the new door allows for access to the residential dwellings at upper floors; the Council have raised no objection to the works and dwellings at upper floor and I see no reason to differ in that finding. Alterations to the rear of the building associated with these changes are also acceptable in design terms. A separate access from the commercial unit at ground floor is of benefit in improving the quality of residential accommodation.

9. As I have found the works not harmful to the character and appearance of the Conservation Area, the appeal accords with Policy HC1 of the London Plan 2021, and Policy 41 of the Bromley Local Plan 2019, which require development in conservation areas to preserve or enhance the character and appearance of such areas through, amongst other matters, appropriate design, scale, form and use of materials.
10. The appeal can therefore be allowed. The Council suggested a condition in the event of the appeal being allowed to ensure the materials for the development match the existing building, which is reasonable to ensure the works are of satisfactory appearance.
11. A condition was also suggested that sought compliance with the submitted drawings. This is necessary in the interests of precision, but as the works at the front elevation have been undertaken to a different design to that shown on the drawings a further condition is necessary. The appellant's submissions had initially suggested a condition requiring details of a modified door design to be submitted and, in light of those works having subsequently been undertaken, I shall attach a condition requiring the approval of the as-built scheme to ensure precision regarding the terms of the permission so the as-installed door design is approved as oppose to that shown on the submitted drawings (which, as noted earlier, would have been unsuitable).

C J Leigh

INSPECTOR