

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: 3 January 2023

Appeal Ref: APP/G5180/D/22/3301200

43 Forest Drive, Keston, BR2 6EE

- 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 & Mrs D Neagle against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/00284/FULL6, dated 17 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is demolition of detached garage and construction of detached garage with additional recreational accommodation.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the Keston Park Conservation Area,
 - b) the living conditions of adjoining occupiers, with particular regard to outlook.

Reasons

a) Effect on character and appearance

3. The appeal site lies within the Keston Park 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.
4. The Council's Keston Park Supplementary Planning Guidance (SPG) 1999 explains that this residential estate was developed from the 1920s as a low density, high quality residential area that was formerly woodland and rides. There was individuality in house designs, but control remained over the laying out of plots, and the size, position and design of houses.
5. The estate is covered by the Keston Park Conservation Area, and the Area is characterised by these large houses of individual design standing on large plots, with wide plot frontages and mature landscaping. The building lines vary, with this varied spacing of houses and spaces between houses important to the character of the area. The significance of the Area derives from the low density,

Arcadian nature of the estate with mature landscaping and spacious setting of houses.

6. An appeal for a new outbuilding to the side of the property was dismissed in 2004 (re APP/G5180/A/04/1145445). Whilst this decision is of some age, the observations and conclusions of my colleague are still relevant since it is apparent the character of the area at that time was generally similar to now; indeed, the fact that both main parties refer to the appeal decision confirms its relevance. The significant change from that decision is the subsequent removal of two trees on the appeal site, which were a bar to the Inspector granting permission. My colleague otherwise concluded that the outbuilding in the scheme before him was acceptable in terms of scale and siting, with good screening of the building.
7. The current scheme, however is materially different to that previous scheme. The proposed building is very considerably taller, being a clear two storeys with pitched roof, and of a sizeable width and depth. The scale of the outbuilding is very large; so much that it would compete with the scale and height of the host property itself. This would create a very cramped appearance to the site, further emphasised by the close proximity in siting to the house. The absence of any screening between the outbuilding and the road would emphasise this visual harm.
8. As noted earlier, an important element of the character of the area is the spaciousness of houses on plots. The proposals would significantly reduce this effect and not appear as a subordinate change to the site. Thus, the proposed development would be unacceptable and hence conflict with the objectives of Policies 6 and 37 of the Bromley Local Plan 2019, which require new development to be of a scale, form and design that respects the surrounding area. It would also conflict with Policy 41 of the Local Plan that requires development in conservation areas to preserve or enhance the character and appearance of such areas, as well as the guidance in the SPG
9. The proposal would thus be harmful to the significance of the designated heritage asset. Paragraph 199 of the National Planning Policy Framework states that great weight should be given to the conservation of heritage assets, and paragraph 200 says any harm to significance should require clear and convincing justification. I attach considerable importance and weight to this harm. That harm would be less than substantial and so, in accordance with paragraph 202 of the Framework, must be considered against the public benefit of the proposal.
10. I recognise the limitations of the existing garage on the site, and that the current proposals are to provide more space for storage of vehicles and for recreational space. However, these are private benefits for an existing dwelling which, for the reasons given, are unacceptable. I therefore conclude that there are no public benefits arising from the proposed works that would outweigh the harm identified. My conclusions on the first issue remain the same.

b) Effect on living conditions

11. The adjoining house to the north is set at a lower level than the appeal site, and to the north. The proposed outbuilding would come considerably closer to the boundary than the existing garage and be of a two storey height. Whilst

there is existing landscaping along the boundary, the width and siting of the proposed outbuilding means it appears much reduced screening would result.

12. From my observations at the site visit I consider the proximity, depth and height of the new building in the location close to the boundary, its elevated position, and the siting to the rearward extent of the neighbour and to the south of that property is likely to be obtrusive to the outlook for existing occupants.
13. On the second issue it is therefore concluded that the proposed development would be harmful to living conditions of existing occupiers, and so conflict with the relevant policy of the Local Plan, namely Policy 37 that requires new development to respect the amenity of occupiers of neighbouring buildings.

Conclusion

14. The proposal conflicts with the development plan and with the Framework. For the reasons given the appeal is dismissed.

C J Leigh

INSPECTOR