The Planning Inspectorate

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: 5 January 2023

Appeal Ref: APP/G5180/D/22/3306098
80 Hayes Street, Hayes, Bromley, BR2 7LH

- 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 Ms Ann Bloxham against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/22/02534/FULL6, dated 23 June 2022, was refused by notice dated 18 August 2022.
- The development proposed is a garden fence.

Preliminary matters

1. The fence the subject of this application made to the Council has been installed, and so this appeal seeks permission for the retention of that development.

Decision

2. The appeal is allowed and planning permission is granted for a garden fence at 80 Hayes Street, Hayes, Bromley, BR2 7LH in accordance with the terms of the application ref DC/22/02534/FULL6, dated 23 June 2022, and in accordance with the approved plan 79952/1.

Main issue

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

Reasons

4. The appeal site lies within the Hayes 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 Hayes Village Conservation Area is a tightly-defined area of the village of Hayes, which has been subsumed over the years into wider suburbia. The Area encompasses the original core of the village centred around the church and buildings that, in general, developed until the late 19th Century. The appeal property lies on the edge of the Area, and hence is one of the small number of 20th Century buildings in the Area referred to in the Council's Hayes Village Supplementary Planning Guidance (SPG) 1999. The visual and historic

connections of the designated Conservation Area to the original small Kentish village, and the quality of the buildings and spaces within that Area, lead to the significance as a heritage asset.

6. The appeal property lies on a corner site on the edge of the Area. It appears a late 20th Century building of no particular architectural note in itself and was formerly enclosed by a low wall, which I am informed dated from the 1970s, with planting behind. The new close-boarded fence is 1.5m high and fronts Hayes Street and Pickhurst Lane. I do not agree with the Council that this fence is harsh and obstructive to the street scene. In views along Hayes Street, within the Conservation Area, I saw at my site visit close boarded fencing as well as brick walls of varying height, and the flint walls of the Church. Indeed, the SPG observes that front boundaries in the area are varied in construction, and states that a rural atmosphere is retained by the use of white painted wooden stave fencing and closed boarded fencing.

7. The SPG also seeks to resist solid fences and high walls that could obscure the contribution of buildings to the street scene, but the fence at No. 80 is not of a height that would have such an effect. The natural appearance of timber to the fence, which will weather over time, is an appropriate material on this site.

8. The fence is therefore an appropriate change that preserves the character and appearance of the Conservation Area, and hence there is no harm to the significance of the heritage asset. The proposals are thus consistent with Policy HC1 of the London Plan and Policies 37 and 41 of the Local Plan that require a high standard of design and development in conservation areas to preserve or enhance the character and appearance of such areas, and with the guidance in the SPG.

9. I am informed the library opposite the site is a listed building, and under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to have special regard to the desirability of preserving the setting of a listed building. I consider the siting, scale and use of materials for the fence to have no effect on the setting of that building.

10. The appeal is therefore be allowed. Since development has been carried out there is no need for any planning conditions, though I have listed the approved plan in the interests of precision.

C J Leigh

INSPECTOR