



Appeal Decision

Site visit made on 15 December 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/G5180/D/22/3304002

18 The Covert, Petts Wood, Orpington, London BR6 0BU

- 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 D Berryman against the decision of the London Borough of Bromley Council.
 - The application Ref DC/21/05448/FULL6, dated 15 September 2021, was refused by notice dated 5 May 2022.
 - The development proposed is installation of a new roof light into front elevation of existing pitched roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the appeal dwelling and that of The Covert Conservation Area (the CA) and the characteristics of the Petts Wood Area of Special Residential Character (the ASRC).

Procedural Matters

3. The appeal relates to an application for planning permission for development that has been implemented, therefore the application is retrospective, and I have determined the scheme accordingly.

Reasons

4. The appeal dwelling is a large detached interwar two storey house with integral garage. It has a stepped pitched roof with gable ends, a gabled front projection that integrates with the existing roof and a single dormer to the extensive front roof slope, the eaves of which align with the sill of the second storey window in the front projection. The development is a single small roof light that has been inserted into the front roof slope of the appeal dwelling near to the tallest ridge of the stepped roof ridges and above the existing dormer window.
5. Prior to the development being implemented, the appeal dwelling reflected the housing design and layout that makes up the majority of the ASRC, which exhibits the principles of garden suburb design. The ASRC also being subject to

an Article 4 Direction¹ removing permitted development rights for roof alterations. The Council has recognised the importance of this part of Petts Wood as a heritage asset through the recent designation of the CA. Its significance is in relation to the concentration of mature trees which predate the housing development and have influenced its layout, and the Noel Rees style neo-Tudor houses on The Covert, of which the appeal dwelling appears to be one.

6. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The appeal dwelling is also located within the CA. The area has a verdant and spacious character, with qualities reflective of a Garden City suburb. From my site visit it was apparent that the front roof slopes of dwellings on The Covert remain largely free of roof extensions, conversions, and alterations. The sweeping roofs of the Noel Rees style houses are a prominent feature of the local area and contribute to the significance of the CA.
8. This roof form is part of the design of the appeal dwelling. Although the roof light that is the subject of this appeal is relatively small it does appear obtrusive and interrupts the original composition of the roof, thereby detracting from the contribution that the sweeping form of the roof makes to the character and appearance of the appeal dwelling, that of the CA and the characteristics of the ASRC. It does not, therefore, respect, enhance and strengthen the special and distinctive qualities of the ASRC, nor preserve or enhance the character or appearance of the CA.
9. The appellant has drawn my attention to a dismissed appeal² relating to a roof light to the front roof slope at 44 The Covert. This appeal was determined prior to the designation of the CA. Whilst I have had regard to the differences in size and position of the roof slope, along with other contextual differences, I have only given these slight differences limited weight and have determined the proposal on its own individual merits.
10. The appellant states that the roof light on the front roof slope provides the only ventilation to the bathroom space that it serves. Whilst the rooflight will perform this function, it is not the only method that ventilation for such spaces can be technically achieved.
11. For these reasons, I find that the development has a harmful effect on the Character and appearance of the appeal dwelling and the characteristics of the ASRC and fails to preserve or enhance the significance of the CA, the harm to which would be less than substantial. This conflicts with Policies 6, 37, 41 and 44 of the Bromley Local Plan (2019, policies D3, and HC1 of the London Plan (2021) and sections 12 and 15 of the National Planning Policy Framework (2021) (the Framework). These collectively seek to ensure that development is of a high design quality, integrates with the local area, respect, enhance and strengthen the special and distinctive qualities of Areas of Special Residential Character and preserves or enhances the significance of Conservation Areas.

¹ Article 4 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as Amended)

² Appeal Ref: APP/G5180/D/19/3222670

12. The Framework states that where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits, including, where appropriate, securing its optimum viable use. In this case the harm to the CA and the other harm that I have identified outweighs the benefits of the proposal, which appear to be predominantly private ones and not necessary to realise the optimum viable residential use of the property.

Conclusion

13. The appeal is dismissed.

Victor Callister

INSPECTOR