



Appeal Decision

Site visit made on 12 January 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/G5180/W/22/3301789

Suite 6, Royal Parade Mews, Chislehurst BR7 6TN

- 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 ECE Travel against the decision of London Borough of Bromley.
 - The application Ref DC/21/04266/FULL, dated 24 August 2021, was refused by notice dated 13 April 2022.
 - The development proposed is the erection of first floor extension and Mansard roof over part of existing building and conversion of existing offices to form 4 dwellinghouses and 1 roof flat (total 5 units) with cycle storage, car parking spaces, refuse/recycling storage and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council amended the description of development during the application's original validation, which the appellant subsequently confirmed. I have therefore assessed the appeal on this basis, as described above.

Main Issues

3. The main issues are the effect of the proposed development:
 - on the character and appearance of the area;
 - on the living conditions of neighbouring occupiers, with particular regard to outlook, daylight, and sunlight; and
 - on the preservation or enhancement of the character and appearance of the Chislehurst Conservation Area (CCA), and on the setting of the nearby listed buildings.

Reasons

Character and appearance

4. The appeal site is part of Royal Parade Mews, a short cul-de-sac serving the rear yards of a parade of shops and commercial premises, locally listed and comprising Nos. 1-12 Royal Parade. The site comprises a linked series of 1 and 2 story office buildings partially set around a courtyard, plus a flat within the first floor of the largest building. Public views are along the access drive, which lies between the parade premises and the Grade II listed dwellings at Ivy Cottage and Gravetts Cottage, and Walton Lodge. The building's rear boundary adjoins The Studio on Church Row and a single storey garage compound. To its

sides it adjoins the rear gardens of properties along Church Row, and the flank wall of Ivy Cottage and the garden of Gravetts Cottage. The site and the wider area lies within the Chislehurst Conservation Area (CCA).

5. Further to a number of historic permissions for the site, planning permission was most recently granted in 2019 for a first floor extension over part of the building and associated conversion to create 6 dwellings.¹ Ground works have commenced and therefore this remains extant, with a real prospect as a fallback position. The appeal scheme differs by proposing 5 dwellings, and a mansard roof level additional storey, adding 1.5m in height across most of the width of the existing single storey structure. The scheme also proposes part demolition of the existing frontage, and significant layout amendments, including replacement of the internal parking area with a flat, and the other 4 units being duplex style with parking and landscaping in front.
6. The proposal's scale and massing would be significantly greater overall compared to the extant permission, notwithstanding its part reduction at ground floor level. This would result in a more prominent structure, and I find it would not respect the character and scale of the surrounding buildings. The increased massing at the higher storeys alongside the contrasting materials for the different stories would result in a form which would feel cramped and incongruous within the courtyard space and in comparison with the surrounding built form.
7. The height and scale would be excessive in relation to the buildings either side of the Royal Parade Mews access. It would not allow an appreciation of separation or legibility from The Studio to its rear, being the same height. The maisonette building comprising part of the site at 12a Church Row would also be dwarfed, despite being higher overall. The building comprising part of the site to the side of Ivy Cottage and Gravetts Cottage, likely to have originally been constructed as a modest cottage/coach house, would also become too subservient in comparison.
8. I acknowledge that the site is in effect a rear yard, and that the existing buildings on the appeal site are not locally listed or heritage assets. I specifically address the impact on nearby heritage assets later in my report. However, this does not remove the need to expect high quality design appropriate to its context, as required by Policy D3 of the London Plan (2021) which emphasises that form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape.
9. Policy 4 of the Bromley Local Plan (2019) also requires housing developments to achieve a high standard of design and layout whilst enhancing the quality of local places, and respecting local character and physical context. Policy 37 sets development criteria including that it should be of a good architectural quality, and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas, and it should also positively contribute to the existing street scene. Policy 3 reiterates similar themes specifically for backland development such as the appeal site, and policy 8 sets required space standards to the sides of 2+ storey buildings, in order to ensure adequate separation and to prevent a cramped appearance and unrelated terracing form

¹ Reference 19/00216/FULL1

occurring. I therefore find that the proposal would not achieve these policy aims.

10. In conclusion, the proposed development would harm the character and appearance of the area, and so would conflict with policies 3, 4, 8, and 37 of the Bromley Local Plan, policy D4 of the London Plan, and the National Planning Policy Framework ('the Framework') (2021) Chapter 12 regarding the need to achieve well-designed places.

Living conditions

11. The maisonette at 12a Church Row contains a first floor roof terrace. Both the extant permission and the appeal scheme show a 1.8m frosted glass privacy screen along the edge of this terrace. While the proposed mansard roof would be inset and sloping away, it would stretch for almost half of the terrace length. This additional height and massing would therefore create even further restriction to the outlook from the maisonette windows and terrace. Cumulatively this would cause a perceived over-dominance, and be harmful to the living conditions of the occupiers. The existing greenhouse on this part of the terrace does not have the same impact as would the proposed extra storey.
12. The rear elevation of the Studio contains only rooflights, and the oblique upwards views to be expected through these windows would not be impacted by the height increase of the appeal proposal to the extent of it being overbearing. From The Studio's external patio, the extant permission would already extend the flank wall up to the existing eaves level, so I am only assessing the impact of the additional mansard roof. Its additional height and massing would appear more dominant in comparison. However, it would be slanted, and partially set back even further in this corner location. The scheme would only add massing to views to part of one side of the patio, with the other sides remaining open. While a finely balanced judgement, I find that this would not be overbearing or harmfully affect outlook overall.
13. Similarly, I accept the results of the Daylight and Sunlight Assessment in relation to the potential effect on sunlight or daylight to any properties internally or externally. This report demonstrates in detail that the addition of the extra storey would not result in any noticeable reduction in daylight or sunlight. Furthermore, the Assessment's methodology tests using the March 21st equinox as a worst case scenario for the amount of sunlight received. Therefore, while I note the objection made by the resident of The Studio due to the suggested impact on the morning use of their patio area in Spring and Summer, I find that this has been satisfactorily addressed.
14. In conclusion therefore, while I have found the proposed development would not harm the living conditions of neighbouring occupiers with regard to daylight and sunlight, it would harm the outlook from the property at 12a Church Row. The proposal would therefore conflict with policy 37 of the Bromley Local Plan, which requires schemes to respect the amenity of occupiers of neighbouring buildings.

Conservation area and listed buildings

15. The appeal site lies within the Chislehurst Conservation Area, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Section 16 of the Framework also requires that great weight should be given to the conservation of designated heritage assets.
16. The CCA is very large, but despite its size and complexity, is characterised within the CCA Supplementary Planning Guidance (SPG)² with some strong and consistent themes. It incorporates an irregular area of predominantly residential development in the west, and agricultural and rural land in the east. The intervening areas incorporate extensive commons and open space, nodes of retail, service, and community facilities, and residential areas. The whole area is wooded and semi-rural, containing spacious suburban development, and with the large commons at its centre as its most distinctive characteristic. Its significance visually and in terms of character is in still retaining the atmosphere and character of a traditional village or small market town, enhanced by elegant street trees and the visual immediacy of the commons.
17. The appeal site is within sub-unit 5 of the CCA, termed Royal Parade. The parade of shops being the locally listed buildings called 1-12 Royal Parade are its most significant aspect. These are an example of a locally important retail and domestic development of c.1870, fronting directly onto a spacious street that is an important part of the setting of the historic buildings. The use of Royal Parade as a retail and service node with a strong range of facilities and particularly specialist shops, is a key aspect of its importance in the wider CCA. The parade provides the area with a substantially different character from most other parts of Chislehurst.
18. The parade setting is greatly enhanced by the green open space from the commons extending into the active core. The surrounding buildings are a mixture of predominantly residential properties, including a strong proportion from the nineteenth century. There are also 2 grade II listed buildings on the Royal Parade frontage adjacent to the Royal Parade Mews entrance, known as Gravetts Cottage and Ivy Cottage, and Walton Lodge.
19. All the heritage assets are seen as a group from the Royal Parade public realm, and their relationship with the commons from numerous wider vistas. In the context of both the whole CCA, and the sub-unit, the appeal site makes only a very limited contribution. This is because while it infills part of a courtyard to the rear of the buildings of most local importance to the designation of the CCA, their rear elevations and yards do not contribute significantly to its character or appearance as outlined above. Similarly, while the SPG directly references the houses along Church Row, this is only in relation to their frontages and to their combined relationship with the importance of the commons. Royal Parade Mews is not of historic significance in its own right, excepting the settings of the listed buildings to which I return below.
20. While I have found in my first main issue that the appeal scheme would harm the character and appearance of the area, this was with particular reference to its relationship with and impact upon conjoined buildings. The scheme would

² Adopted 1999, with very minor correction work made in 2020.

not affect the CCA's key attributes of the use and vitality of the Royal Parade shops as a focal point, nor the visual setting and importance within the streetscene of those heritage assets. The proposal would also not affect the general relationship or function of the built form of Royal Parade or Church Row with the adjacent commons. Given this, I do not find that it would be detrimental to the CCA. The significance of the CAA would be preserved both overall and at the local scale.

21. I also have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of the proposal on the special architectural and historic interest of listed buildings and their settings. I find there would be no harm to the individual status of the locally listed Royal Parade buildings as designated heritage assets, for the same reasons as I found no harm in relation to their contribution to the CCA overall.
22. The significance of the statutorily listed buildings is their historic importance as a reminder of the pre-Victorian development of Chislehurst. In 1843 the owner and occupier of Gravetts Cottage and Ivy Cottage also owned the then vacant plot of land on which the Royal Parade shops were built. Although the listed buildings have different characteristics of form and materiality plus front gardens, they are read as part of the same run of buildings. Therefore, while their setting encompasses Royal Parade Mews including the appeal site, this has much less significance than their relationship with the street's frontage and the context alongside the Royal Parade buildings.
23. The appeal proposal would bring change within this setting, particularly through its height and massing increase, as well as its new mansard roof materials. However, while I have identified above that I do find harm to character and appearance in general, there would be a clear separation in function and form to the listed buildings. The proposal would not be prominent in relation to their key views, with side views not being of particular heritage significance. Overall, the effect of the proposal on the visual, functional, and historic contribution of the setting and the main significance of the listed buildings would therefore be limited. I am satisfied that it would cause no harm to these designated heritage assets.
24. I note the Council's concern that the proposal would remove historic and attractive patina on the existing stable building, but this building is not a local designated heritage asset, and therefore this does not weigh against the scheme.
25. In conclusion therefore, the proposed development would preserve the character and appearance of the Chislehurst Conservation Area, and would not harm the settings of the nearby listed buildings. In this regard, it would therefore comply with policy 41 of the Bromley Local Plan, policy HC1 of the London Plan, and the Framework Section 16. Together these policies aim to preserve or enhance the significance of heritage assets, including respecting existing buildings and spaces, and being sympathetic to the assets' significance and appreciation within their surroundings.

Other Matters

26. The new dwellings would provide small-scale economic and social benefits as a result of construction and support to local services and facilities.
27. It is a minor benefit that the proposal would allow for better external space and thus living conditions for future residents of 3 of the dwellings than the extant scheme.
28. I note the third party objections regarding rights of access and party walls, but these largely concern private or civil matters rather than being material planning considerations. I also note the appellant's comparisons between the Council's decision making process and outcomes for the different planning applications for this site, but this has not affected my determination of the matters currently before me.

Planning Balance

29. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. As such, relevant policies for the supply of housing are not deemed up-to-date and the Framework paragraph 11d falls to be considered. Paragraph 11d indicates that planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. The scheme would not result in an increased number of dwellings overall compared to the extant permission. If I were to discount the extant permission, the proposal would result in 5 dwellings on a previously developed site in an accessible urban location. The Framework seeks to significantly boost the supply of homes, and so additional housing in this location is a significant benefit of the proposal. In identifying this benefit, I acknowledge that such small-scale opportunities and maximising housing delivery on brownfield sites is a key aim of the Framework.
31. However, the benefits associated with the construction and occupation of 5 dwellings would be limited, and so I give them only moderate weight. The other benefits identified above I give each minor weight. Alongside this, the Framework is clear that good design is a key aspect of sustainable development, to maintain a strong sense of place and to create attractive, welcoming, and distinctive places, with paragraph 134 identifying that development that is not well designed should be refused. I have found that significant harm to the character and appearance of the area would arise, alongside moderate harm to the living conditions of neighbouring occupiers. I give this harm substantial weight.
32. Taking the policies of the Framework as a whole, I therefore find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits in this case. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development as a material consideration outlined at paragraph 11 of the Framework.

Conclusion

33. In conclusion therefore, the scheme conflicts with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR