



Appeal Decision

Site visit made on 21 February 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 MARCH 2023

Appeal Ref: APP/G5180/D/22/3313252

26 Ashfield Lane, Bromley, Chislehurst BR7 6LQ

- 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 James Griffiths against the decision of the Council of the London Borough of Bromley.
 - The application Ref 22/02687/FULL6, dated 6 July 2022, was refused by notice dated 24 October 2022.
 - The development proposed is replacement of existing vehicle and pedestrian gates with electric vehicle gate (which will be recessed 4.5m from the highway) and separate pedestrian gate.
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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 area with particular regard to the host property as a non-designated heritage asset and whether the proposal would preserve or enhance the character or appearance of the Chislehurst Conservation Area (CA).

Reasons

3. Situated in a predominantly residential area facing a common, the appeal site comprises a historic dwelling with a low white picket fence and hedge along the front boundary. The dwellings along this part of Ashfield Lane differ in type, style, and design. Whilst there is a variety of boundary treatments, low white picket fences continue along the front boundaries of the two dwellings immediately east of the appeal site.
4. Having regard to the Chislehurst Conservation Area Supplementary Planning Guidance, the significance of the CA derives in part from the development on a plateau of a scattered village settlement around the commons, with the generosity of trees, hedges and gardens associated with buildings fronting the commons reinforcing the sense of a wooded environment. The appeal property is a locally listed building, a non-designated heritage asset in terms of the National Planning Policy Framework (the Framework). It is recognised for being built in the 18th/19th century and for its rendered walls with clay tiled roof and later bay windows. It makes a positive contribution to the CA due to its location fronting a common, its historic built form with a traditional front boundary and the presence of trees.

5. When approaching from the west, the appeal site is the first dwelling beyond a landscape strip which has a boundary located immediately adjoining the footway. As a result, the existing low white picket fence and hedge is an attractive and prominent boundary feature. Whilst some of the fence and hedge would be retained, the replacement gates and the removal of part of the boundary fence and hedge to accommodate the wider vehicular gates would result in the loss of a notable amount of the traditional boundary. Although there would be some screening because of the retained hedges, due to their black colour, metal material, size and height which contrast with the existing low white picket fence, the proposed gates would appear particularly conspicuous from the public common opposite the appeal site and from some views along Ashfield Lane. Consequently, the proposal would be detrimental to the street scene.
6. Further, the black colour of the gates would starkly contrast with the white rendered front walls of the host property. Their size and height would detract from views of the building from the common and Ashfield Lane. As a result, the proposed development would harm the appearance, setting and significance of 26 Ashfield Lane as a non-designated heritage asset.
7. The appellant has referred to examples of different front boundary treatments in Ashfield Lane. I observed that these include walls, black metal railings and gates, and green timber gates, with some of the gates being recessed and some hedges along the fence lines. The ones to the west are located behind a landscape strip and the ones to the east lie beyond the line of traditional, low white picket fences, making them less prominent and therefore not comparable to the appeal site.
8. For the reasons set out and having regard to the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial. Paragraph 202 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. The proposed gates would be a better arrangement than the existing in highways terms, but this matter would be of limited public benefit and would not outweigh the great weight that should be given to the asset's conservation. Further, when taking a balanced judgement having regard to the significance of the appeal property, the harm to its setting as a non-designated heritage asset would not be outweighed. Therefore, I conclude that the proposed development would conflict with the Framework.
9. Overall, the proposal would harm the character and appearance of the host property and would not preserve or enhance the character or appearance of the CA, contrary to Policies 37, 39 and 41 of the London Borough of Bromley Local Plan January 2019. These policies require proposals to positively contribute to the existing street scene and respect heritage assets, including the character and appearance of locally listed buildings and conservation areas.

Conclusion

10. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR