



Appeal Decision

Site visit made on 20 February 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 MAY 2023

Appeal Ref: APP/G5180/W/22/3302262
33 Wickham Way, Beckenham BR3 3AE

- 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 P Dave against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/00933/FULL1, dated 1 March 2022, was refused by notice dated 26 April 2022.
 - The development proposed is the demolition of the existing dwelling and the erection of a replacement detached dwelling of two-storey design with integral garage and accommodation within the roof space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Park Langley Conservation Area.

Reasons

3. No 33 Wickham Way is a substantial two-storey detached dwelling sitting in a large rectangular garden plot. The proposed development is the demolition of the existing house, and its replacement with a new two-storey detached dwelling. An existing outdoor swimming pool and "pool house" in the north-east corner of the site would be retained.
4. The appeal site lies within the Park Langley Conservation Area ("the PLCA"); I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework ("the Framework") states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
5. The Council's 2002 *Supplementary Planning Guidance for Park Langley Conservation Area* ("the SPG") describes how the estate was developed in the early 20th Century as an exemplar of Garden City and Suburb principles, with spaciouly laid out detached houses in a harmonious environment of long

curving roads, mature trees and landscaped gardens. The PLCA showcases a variety of architectural styles and influences, with individual dwellings in turn displaying a diverse array of external detailing and employing a broad but harmonious palette of materials. Among other things, I consider that the significance of the PLCA is derived from the form and layout of its attractive early 20th Century housing, illustrating its development as a prosperous area of suburban housing which reflects the architectural and planning ideals of that period.

The existing dwelling

6. The evidence before me indicates that the residential development of Park Langley began in the years from 1909 to 1913. The appellant's *Heritage Impact Assessment* ("the HIA") states that Wickham Way was one of the first roads to be laid out on the estate, and that No 33 was built between 1909 and 1911, making it part of the original phase of the development of the estate. The SPD advises that "most of the houses constructed prior to 1914 make a positive contribution to the character and appearance of the conservation area because they illustrate the original form of the estate, together with construction methods and details that are typical of the period", and that in order to protect the totality of the PLCA the "general presumption will be to resist applications for consent to demolish the houses that are contemporary with the original development".
7. The appeal property has a broad street frontage, within a wide triple plot. The front elevation has three prominent gables, which the HIA suggests are a reference to features of 17th Century timber-framed buildings and thus a reflection of the "domestic revival" tradition which was fashionable around the time the Park Langley estate was being developed. Based on an analysis of the roof form and windows, the appellant suggests that the dwelling originally had only two main front gables, and that the third (northernmost one) is a later addition to the property. I have no reason to doubt this interpretation, although no date has been suggested for when the third gable was added, and the visible differences to which the appellant referred (the width and height of the valley gutters, and the width of the first-floor window) are not so significant as to be jarring or significantly disruptive to the character and appearance of the building.
8. There are also three single-storey gabled projections on the front of the ground floor, which "mimic" the larger gables above; the two outer ones appear (in plan form at least) on a 1933 Ordnance Survey map extract within the HIA, though the central one (a porch) dates only from a grant of planning permission in 1990¹. Their position on the front elevation means that they are readily visible from the street, so the Council's suggestion that they are "not widely seen" is slightly puzzling. However, they are modest in size, and in keeping with the overall form, design and materials of the dwelling; in my view they do not have a harmful effect on its appearance.
9. It is apparent that there have been several other alterations and enlargements over the years. A two-storey side and single storey rear extension was added to the northern side of the building following a 2002 grant of planning permission², replacing the detached garage which previously stood on that part

¹ LPA Ref: 89/02102/FUL

² LPA Ref: 02/01669/FULL1

of the site. A single storey flat-roofed rear extension at the south-east corner of the house was then added following a 2004 grant of planning permission³. The cumulative effect of the various extensions to the appeal property has been to approximately double its footprint by comparison to how it stood in 1933 (based on a visual assessment of the evidence in the HIA), although this has not resulted in it “outgrowing” or appearing cramped on its plot. There remains a particularly generous gap between No 33 and No 37 to the south, so the property appears to offer a good illustration of the historic spaciousness of the PLCA.

10. The HIA suggests that the post-2002 two-storey northern side extension has unbalanced the composition of the building. However, when seen from Wickham Way it is partly screened in oblique views from the north by dense planting on the boundary of the appeal site, while from the other direction it sits slightly behind the main front elevation such that it does not excessively dominate the original part of the building. I note that the Council suggested in its appeal statement that the northern extension could “subject to details, be replaced with a suitably subservient extension as opposed to the total demolition of the asset”, but that is not a matter for me to address in determining this appeal.
11. It is also not necessary for me to attempt to resolve the disagreement between the main parties as to the meaning and application of the term “Arts and Crafts” in respect of the style and features of the appeal property. Compared to many of the other older dwellings I saw elsewhere within the PLCA, No 33 Wickham Way appears to be relatively simple in terms of its detailing and materials, and in this light I accept the appellant’s argument that it is “of relatively modest architectural pretension”. However, its status as one of the first dwellings to be built during the residential development of Park Langley means that it illustrates the original form and layout of the estate, and thus contributes to understanding the history and context of the PLCA. It therefore has a moderate degree of local architectural and historic interest.
12. Furthermore, the extensions and alterations which have been made have not significantly undermined the character of the dwelling, and its original form can still be discerned, at least when seen from the street (the rear is rather more altered). This is especially the case when viewing the house from Wickham Way to the south-west of the site; from here the changes appear representative of the organic evolution of what remains more or less a coherent and well-proportioned building. Taking all of the above points together, I find that the appeal property makes a positive contribution, if a small one, to the character and appearance of the PLCA.

The proposed replacement dwelling

13. The proposed replacement dwelling would have two storeys, plus accommodation within the roof level, and would be wider and taller than the existing dwelling. The would be three gables in the staggered front façade, features described in the submitted Design and Access Statement as “typical of many Arts & Crafts houses”; these would project forward from a large crown roof. The crown roof form would result in there being a considerably increased built mass at higher levels on the appeal site than at present, and the gables would be larger and more prominent than those on the existing dwelling; these

³ LPA Ref: 04/04221/FULL6

features would be at odds with the prevailing character and scale of development within the PLCA. The large areas of glazing, in particular the “feature” windows on the central front gable and the tall wall and rooflight on the south elevation would draw attention to and further highlight this visual disparity.

14. The appellant has identified a number of other developments nearby where crown roofs have been permitted (Nos 2, 28, 65 and 67 Wickham Way and No 2 Styles Way), though even so they do not appear to be a particularly prevalent feature in the area. I have been provided with the Council’s officer reports in respect of No 67 Wickham Way⁴ and No 2 Styles Way⁵; neither refers to the proposed crown roofs, and as planning permission was granted in both cases it is apparent that the Council did not find that they would cause significant harm. However, my concerns in this case do not relate to the use of a crown roof *per se*, but the harm which would arise from increased bulk and mass at height on the appeal site from the proposed roof form as a whole. The presence of a small number of crown roofs elsewhere within the PLCA (including those for which I was not provided with further information) does not therefore weigh in favour of the appeal scheme.
15. There would be a substantial single-storey wing at the southern end infilling much of what is currently garden space between the house and the boundary with No 37 to the south. The SPG highlights the “considerable changes in development density along the length of the roads in the area: sections of road frontage dominated by buildings are interspersed with open frontages”; it goes on to advise that “in most cases, remaining undeveloped frontages are valuable indicators of the original character of the area and should remain undeveloped”. The garden space to the south of the existing dwelling appears to represent one of the few undeveloped frontage spaces on Wickham Way, and its infilling would therefore represent a loss of the original character of the PLCA.
16. The appellant drew my attention to a house on the other side of the road from the appeal site (No 32 Wickham Way) which has been extended across most of a triple plot of similar width to the appeal site. I have not been provided with any further information about that property or how that extension came into being. In my view, however, the fact that the appeal property retains what appears to be one of very few undeveloped frontages within the area (identified as a positive characteristic in the SPG) means that its loss would be likely to cause further harm to the character of the PLCA.

Findings on the main issue

17. The proposed development would fail to preserve the character and appearance of the Park Langley Conservation Area. The proposal therefore conflicts with Policies 4, 37 and 41 of the 2019 Bromley Local Plan (“the BLP”), and Policies D3, HC1 and H2 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development respects local character, is informed by the surrounding historic environment, conserves the significance of heritage assets, and respects or complements the layout, scale, form and materials of existing buildings and spaces within a Conservation Area. It would also conflict with the provisions of the Framework which seek to

⁴ LPA Ref: 18/02966/FULL1

⁵ LPA Ref: 18/05277/FULL1

conserve and enhance the historic environment, which I have summarised in paragraph 4 above.

18. Policy 41 of the BLP states that “a proposal for a development scheme that will involve the total or substantial demolition of an unlisted building in a conservation area that makes a positive contribution *can* [my emphasis] be judged as causing substantial harm and will be assessed against the tests laid out in paragraph [201]⁶ of [the Framework]”. The word “can” allows for some flexibility of interpretation and application. In my view, the harm to the significance of the PLCA as a whole would be limited and, in the Framework’s terms, it would therefore be less than substantial. The Framework requires less than substantial harm to be balanced against the public benefits of the scheme.
19. The proposed development would provide a new, good quality modern dwelling; this would be accessible and capable of providing a lifetime home, and would incorporate various features to minimise heat loss and to support the efficient use of natural resources. However, there is nothing before me to suggest that these measures could only be achieved by demolishing and replacing the existing dwelling. The Council has referred to the significant undersupply of housing in the borough; however, the replacement of one large private detached dwelling with another would not help to address the housing shortfall in Bromley. Such public benefits as might arise would therefore carry only limited weight in favour of the scheme. They would not outweigh the harm to the heritage asset, to which I must attribute great weight.

Other Matters

20. The proposed replacement dwelling would use materials appropriate to the character of the PLCA, including brickwork and tile hanging on the front elevation. The Council was also satisfied that the development would not cause any harm to neighbours’ living conditions, or in terms of its impacts on highway safety, cycle parking, or refuse storage and collection. These are neutral matters in the overall balance.
21. Both main parties have referred to earlier proposals for development on the appeal site and the extent to which those schemes have been amended. I have not gone into these points here as I have reached my decision on the basis of the planning merits of the scheme before me.

Conclusion

22. The proposed development would not preserve or enhance the character or appearance of the Park Langley Conservation Area, a designated heritage asset, and would conflict with the development plan taken as a whole.
23. The Council’s appeal statement indicated that it had (at November 2021) only 3.99 years of housing land supply; no more recent figure has been provided to me. However, while this is a significant shortfall, Paragraph 11 and Footnote 7 of the Framework are clear that the “tilted balance” in favour of sustainable development is not engaged if the application of policies in the Framework to protect areas of particular importance provides a clear reason for refusing the development proposed. These areas include designated heritage assets. In this

⁶ The policy in fact refers to paragraph 133 of the 2012 version of the Framework; following revisions to the Framework it appears substantially unaltered as paragraph 201 of the current (July 2021) version.

case, the harm to the PLCA which I have identified provides a clear reason for refusing the proposal. The “tilted balance” is therefore not engaged.

24. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.

25. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector