



Appeal Decision

Site visit made on 13 June 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/G1580/D/23/3317265

Wallings, Heathfield Lane, Chislehurst, BR7 6AH

- 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 J Kelly against the decision of Bromley London Borough Council.
 - The application Ref DC/22/03953/FULL6, dated 7 October 2022, was refused by notice dated 5 December 2022.
 - The development proposed is demolition of existing garage; erect part one/two storey side extension with glass link to main house and elevational alterations.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage; erect part one/two storey side extension with glass link to main house and elevational alterations at Wallings, Heathfield Lane, Chislehurst, BR7 6AH, in accordance with the terms of the application, Ref DC/22/03953/FULL6, dated 7 October 2022, subject to the conditions set out in the schedule at the end of this decision.

Preliminary matters

2. The application form, and the appeal form, stated that the proposed development was "refurbishment and extension of a single family dwelling: two story side extension". The council changed this to the description used in the heading above. I have accepted this description because it more clearly identifies the operational development proposed.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the existing dwelling, as a locally listed dwellinghouse, and the Chislehurst Conservation Area.

Reasons

4. Wallings is a locally listed building dating from between 1909 and 1913. It was designed by the architect Edward John May as a house for himself, and it remained in his family until his death in 1941. It is within the Chislehurst Conservation Area. I am required by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area when exercising planning functions relating to land within

that area. It is common ground between the parties that the area is of special architectural and historic interest and that the building is of local heritage interest, and should be treated as a non-designated heritage asset for policy purposes.

5. The site is within sub-unit 4 of Chislehurst Conservation Area, which is described in the council's Supplementary Planning Guidance (SPG) as "Chislehurst High Street (including Mead Road)". At paragraph 3.38 of the SPG, the council's appraisal explains how High Street grew out of the hamlet of Prickend, and, in subsequent paragraphs, how further streets grew up in the 19th century. Paragraph 3.42 says this of Heathfield Lane: "*A section of Common front on Heathfield Lane contains the statutorily listed Mead House, an early 19th century building. Perhaps more notably and emphasising the significance of Chislehurst for students of the Arts & Crafts Movement, the Wallings, former home of the architect E J May is also here.*" E J May was very active in this area, his designs had vernacular tendencies such as simple form, a large front facing gable, brick walls with hung tiles, rectangular windows of varying proportions and fenestration, and elongated chimneystacks.
6. As already noted, Wallings is locally listed. Included in the response to the proposal from the Advisory Panel for Conservation Areas (APCA), is the statement that "This important house should be considered for statutory listing". That is not a matter for me, and my consideration of this non-designated heritage asset, and the effect of the proposed extension on it, must be on the basis of its local listing. An important aspect of Wallings in this context is the degree to which it promotes a sense of local character and distinctiveness.
7. In considering the appeal proposal, I have had the benefit of reading 2 Heritage Statements; the first prepared by Savills Heritage and Townscape, to accompany the planning application, and the second, prepared by Dr Jonathan Edis of HCUK Group, to support the appeal, together with the comments of the council's Conservation Officer and the consultation responses to the planning application by the APCA, and the Chislehurst Society.
8. In considering the impact of the proposed extension on the existing house, it is important to understand that originally the curtilage was barely wider than the house itself, with the long northern flank approximately 1m from the boundary. The south side, with its gable devoid of windows, suggests the possibility of further development on that side. At some time between the Ordnance Survey map edition of 1938-1939 and the edition of 1957-1959, the site widened to take in the vacant land to the south. Apart from an entrance doorway, the gable elevation against which the extension would be placed is devoid of architectural features, thus limiting harm to E J May's design.
9. The footprint of Wallings is 'L' shape, with the projecting front 3 storey element on the north side. Thus, the main body of the building is set some 7m behind the most forward part, and about 24m from the front boundary wall. The proposed extension is therefore well back in the site. In terms of scale, it is very much smaller than the existing house, which would remain the truly dominant building. Its roof would be below the hip above the half gable and would be separated from the house by a tall and narrow clear glass link, whilst the main brick part of the extension would have a large window piercing the lower part, with the upper part hinging back with a slope that echoes that of

the western roof slope of the house. The hit and miss brick pattern in this upper part would also reduce its apparent solidity.

10. The extension would be clearly seen as subordinate to the house, and clearly modern in appearance. I have concentrated on the front of the extension, since the side element steps down again and runs off at an angle. This part of the extension would be subservient, not having any real impact from the public realm; the rear elevation, interesting in itself, would be seen purely from the private garden. Wallings is constructed in a dark brown brick, whilst the illustration in the Design and Access Statement suggests a very much lighter tone to the new brickwork. Dr Edis suggests that a condition could be imposed to require the materials to be subject to approval, which seems a sound suggestion to me. A darker brick would be worth considering, as it would both relate to the existing materials used in the house and create less visual impact than the lighter colour.

Conclusions

11. I conclude that the proposed extension would clearly be seen as a later addition to the house, leaving Wallings to be seen very largely in its original form: indeed closer to its original form since the ugly and inappropriate garage stuck on the front of the forward outrigger would be removed. In my opinion the proposed extension would certainly appear as subordinate to Wallings, and its unashamed modern appearance would add interest whilst not in any way diminishing the 'Domestic Revival' architectural style of the house.
12. Its position in the conservation area also has to be considered, in terms of the desirability of preserving or enhancing its character and appearance. Time will tell if the appeal proposal is seen to have lasting merit, and there will be those whose 'taste' is affronted, but that too could change over time. In the meantime, I consider that the proposed extension would add interest to the conservation area in a minor way, be seen, by some at least, as enhancing, and would also 'preserve', at the very least by not materially altering the character and appearance of the conservation area.
13. I need to deal with some of the points made by those whose influence led to the council's decision. One of the Conservation Officer's concerns was that the open space around the dwellinghouse is important to the character of the building and should not be unnecessarily compromised. That does not accord with the record of the situation that existed for the first 40 years or so, and the design that was conceived with the house occupying almost all of the original plot width. The ACPA is concerned about internal changes, which are not matters under planning control, and also suggests that any extension should be set well back from the existing building line: this second point is met because the front wing, less the garage, is on the building line, and the proposed extension is set well behind this. The Chislehurst Society object on the basis that the proposal is not sympathetic to the original building, but I have set out my conclusions above. This is not to say that other comments that I have not highlighted were wrong, it is just that I disagree with them, for the reasons that I have given.
14. For the reasons set out in paragraphs 8 to 12, I will allow the appeal.

Conditions

15. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the text. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development achieves what is intended, and relates appropriately with the existing in a visually satisfactory manner, and for the reason that I mention in paragraph 10 above.
16. In addition to the conditions suggested by the council, since trees and shrubs are important elements of the conservation area, and since much of the site is devoid of planting at present, I consider that a requirement for a landscaping scheme to be submitted should be included as condition 4. Finally, a plan titled 'Tree Protection Plan' was submitted with the appeal document. I consider that the works shown on this plan should be carried out prior to the commencement of the development, since it is important that the trees are protected before any operations are carried out that might otherwise be harmful to them, and their continuing presence is important for the satisfactory development of the proposal and for the preservation or enhancement of the character and appearance of the conservation area. This is dealt with by condition 5.
17. Condition 5 is a pre-commencement condition. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the decision maker is minded to grant planning permission subject to pre-commencement condition(s) he/she may only do so with the written agreement of the appellant to the terms of the condition(s). In this case the appellant's agent has clearly stated on the appellant's behalf that this condition is acceptable.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LO-A-01; LO-A-02; PR-A1.01; PR-A1.02; PR-A1.03; PR-A1.04; PR-A2.01; PR-A2.02; PR-A2.03; PR-A2.04; PR-A3.01; PR-A3.02; PR-A3.03; PR-A3.04; and Tree Protection Plan ref. WL/TPP/2040-02.
- 3) Prior to any development above ground level, a schedule of the materials to be used in the external surfaces of the development hereby approved shall be submitted to the local planning authority and approved in writing. The materials so approved shall be those used in the construction of the development.
- 4) No development above ground level may take place until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to the commencement of any works connected with the implementation of the development hereby approved, the tree protection measures shown on drawing titled 'Tree Protection Plan' ref. WL/TPP/2040-02 shall be installed and maintained throughout the construction period to completion of superstructure works, and only removed immediately prior to landscaping works.

End of Schedule