



Appeal Decision

Site visit made on 13 June 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/G5180/W/22/3313147

29 Croydon Road, Keston, Bromley BR2 6EA

- 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 G Mackay against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/02194/FULL1, dated 12 May 2022, was refused by notice dated 3 October 2022.
 - The development proposed is the demolition of garage and erection of single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice refers to Policy D4 of the London Plan. The Council has since confirmed that the reference should have been to Policy D3. Indeed, Policy D3 is more directly referred to in the officer report than Policy D4. Having reviewed the appellant's planning and heritage statements, the former specifically quotes Policy D3 rather than D4. In the circumstances, I am satisfied that the appellant has not been prejudiced by this mistake.
3. The description of development in the application form included the site address. I have omitted it from the description in the banner heading above as it is not an act of development.

Main Issues

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Keston Park Conservation Area.

Reasons

5. The appeal site comprises the curtilage of a two-storey detached dwelling and detached double garage. The site is within the Keston Park Conservation Area (KPCA), which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. The KPCA encompasses an area mainly to the south of the appeal site, largely reflecting the Holwood House Estate. Where the boundary extends to Croydon Road to incorporate the appeal site and its neighbour to the east, it also includes the gated entrance to Forest Drive, and two houses on the other side of this entrance.

7. From what I have read and from what I saw, within the KPCA there are some individual buildings of architectural significance, which are linked directly to Holmwood Park, such as the Keeper's Cottage and Gate Lodge. However, the significance of the KPCA lies principally in its historical connection with the Holwood House Estate and the extensive, mature landscape and parkland setting into which large private houses have been erected.
8. The proposal would see the existing detached garage demolished and a new detached dwelling erected. The new dwelling would be set over three floors although ostensibly present to Croydon Road as being two storeys. It would sit on the same building line as the host dwelling and be positioned so there is a similar distance between the two dwellings as there would be to the boundary with Forest Drive.
9. Despite it being a sizable building, the front elevation of the proposed dwelling would not appear to be as wide as Nos. 25, 27 or 29 Croydon Road. It would follow the pattern of stepped ridged heights, but these factors would combine to give the impression of the dwelling having been slightly squeezed into the site. However, this in itself would not unduly disrupt the pattern of development or appear overly incongruous in relation to the other properties along this part of Croydon Road.
10. The existing house was built in the 1930's and its styling is reminiscent of the arts and crafts or garden suburb movements of that time. However, as with other properties within the KPCA it is not necessarily the building's architectural or historical significance which is of particular importance to the conservation area but rather the space around it. The dwelling is very noticeably located to the eastern side of the appeal site. Even allowing for the garage, the site is much more open on its western side, towards the boundary with Forest Drive.
11. The importance of this space to the KPCA is exemplified at certain viewpoints, such as from the junction of Lakeside Drive and Croydon Road. Here the western part of the site allows for uninterrupted views of the trees and parkland further into the KPCA. In this way, the site contributes to the spacious and verdant qualities of the KPCA. It similarly creates space around the Forest Drive entrance, providing it with a wider open and leafy setting beyond the landscaped visibility splays, thereby in turn enhancing this aspect of the KPCA.
12. These views of the site and further into the KPCA might be more informal and less structured than say views along the roads within the estate itself or when looking through the gated entrances into the estate. However, neither this nor the appeal site being outside the landscaped splays of the vehicular entrance to Forest Drive diminish its value to the KPCA.
13. I therefore find that the appeal site is an important component of and has a clear value and contribution to the significance of the KPCA. The addition of the proposed dwelling would therefore diminish the importance of the space and represent an obvious incursion into the wider context it provides.
14. There is nothing before me to indicate that the rationale for the site being within the KPCA has significantly changed since designation. The double garage has been erected but this is a single storey structure positioned close to the existing dwelling. Whilst this has been a change, it has not diminished the site's overall value to the KPCA. That the planting along the boundary with Forest

Drive has matured over time similarly does not diminish the site's contribution to this part of the KPCA.

15. The houses to the rear of the appeal site, Nos. 42 – 46 Forest Drive, have a front building line which appears to follow the alignment of the western side elevation of 29 Croydon Road. However, it does not appear that the pattern of development along Croydon Road, both within and outside the KPCA generally relates to or necessarily follows the pattern of development of the houses to the south and within the KPCA. In this respect the relationship between the proposed dwelling and Nos. 42 – 46 is unlikely to cause harm to the KPCA.
16. Nevertheless, I find that the introduction of the proposed dwelling would not merely represent change but one that adversely affects the site's contribution to the spacious and verdant qualities of the conservation area. Whilst the overall effect would be limited and localised, I find that there would be some harm to the KPCA from the proposal.
17. I therefore conclude on this main issue that the development fails to preserve the character and appearance of the KPCA and would conflict with Policies D3 and HC1 of the London Plan and Policies 3, 4, 37 and 41 of the Bromley Local Plan. These policies seek, amongst other things, to ensure that development is of an appropriate form and that it enhances or maintains the context of the area, the space around buildings, and respects the character and appearance of a Conservation Area.
18. I have also had regard to the Council's Supplementary Planning Guidance for KPCA which, for similar reasons, would not support the appeal proposal. The decision notice makes reference to the Council's Supplementary Planning Guidance No. 1 and 2. I have not been provided with copies and so consequently, I have not had regard to them in reaching my decision.
19. The proposal would also be contrary to a key heritage objective of the National Planning Policy Framework (the Framework), namely sustaining and enhancing the significance of heritage assets.
20. In terms of the Framework, the harm I have identified would be 'less than substantial'. Paragraph 202 of the Framework requires that such harm should be weighed against the public benefits of the proposal. However, the totality of harm to designated heritage assets is a matter to which I should give considerable weight and importance in the overall planning balance.

Other Matters

21. There are various matters such as the standard of accommodation, the living conditions of neighbours, drainage, trees etc. to which the proposal is said to not cause harm or that such areas of concern could be addressed by condition. However, compliance in relation to such matters would be expected for any development to be considered acceptable. As such, they do not weigh positively in favour of the scheme.
22. The appellant points to various inconsistencies in how the Council has assessed the site previously compared to their current position. However, both main parties have also referred me to previous appeal decisions, which support each of their current positions. Whilst all of this provides helpful background, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the site and its surrounds.

23. I note that the Council's Advisory Panel for Conservation Areas did not specifically object to the principle of development. However, they did object to the scheme which is before me. Their concerns were that the proposal would be intrusive and harm a key element of the KPCA. I have broadly agreed with them in respect of this appeal proposal.

Heritage Balance

24. The proposal would accord with the Framework's support for windfall sites and wider objective to significantly boost the supply of housing. The development would also make efficient use of land, in line with the Framework's objectives.
25. The provision of one new dwelling would make only a small numerical contribution towards housing supply. However, the extent of under-delivery of housing supply in the area puts added emphasis on all new housing developments, of whatever scale. In these circumstances I attribute considerable weight to the proposal.
26. There would be associated economic benefits from the construction phase, albeit temporary. In the longer-term future occupiers may make a more general economic contribution to the wider areas. However, given the scale of the development the amount of expenditure is unlikely to be high.
27. Whilst the delivery of a new dwelling in an area where housing provision is below Government expectations would be advantageous, the strength of the heritage objection is greater. Therefore, I conclude that the public benefits would not, either individually or collectively, be sufficient to outweigh the harm to the heritage asset which would result from the development.

Planning Balance

28. The harm to the designated heritage asset provides a clear reason for refusing the development. Therefore, notwithstanding the housing land supply position, there is no need to refer to the test in paragraph 11 d) ii) of the Framework. As a result, the presumption in favour of sustainable development does not apply.
29. Whilst there would be some beneficial aspects of the scheme, I have not found there to be justification for permitting the less than substantial harm to the heritage asset. Whilst I have not found that the proposed dwelling would disrupt the pattern of development along this part of Croydon Road, this finding would be neutral within the overall balance.
30. For these reasons, the proposal would conflict with the development plan taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.

Conclusion

31. For the reasons given, and having taken into account all matters raised, I conclude that the appeal is dismissed.

Stewart Glassar
INSPECTOR