



Appeal Decisions

Site visit made on 14 July 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2023

Appeal A Ref: APP/G5180/W/23/3318236

Nant Gwyn, Hawkwood Lane, Bromley, Chislehurst BR7 5PW

- 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 M McCarthy against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/00767/FULL6, dated 21 February 2022, was refused by notice dated 19 December 2022.
 - The development proposed is described as 'Demolition of existing garage/utility outbuilding. Part one/two storey side/rear extensions with alterations to roof incorporating 2 front dormers and elevational alterations.'
-

Appeal B Ref: APP/G5180/Y/23/3318239

Nant Gwyn, Hawkwood Lane, Bromley, Chislehurst BR7 5PW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr M McCarthy against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/00768/LBC, dated 21 February 2022, was refused by notice dated 19 December 2022.
 - The works proposed are described as 'Demolition of existing garage/utility outbuilding. Part one/two storey side/rear extensions with alterations to roof incorporating 2 front dormers and elevational alterations'.
-

Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The appeal site, Nant Gwyn, forms part of a terrace of four cottages that together constitute a Grade II listed building known as 'Morley Cottage, Holly Cottage, Yew Tree House and Nant Gwyn'¹, which is situated within the Chislehurst Conservation Area. Accordingly, I have been mindful of my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The remit of the planning and listed building regimes is different. Nonetheless, I have dealt with both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B) together in this decision letter for conciseness.
4. The descriptions of the proposed development and works in the heading above are taken from the appeal forms, which more accurately reflect the scope of the scheme than the description included on the application form.

¹ List Entry Number: 1064400

Main Issues

5. The main issues are:

- (i) whether or not the proposed development and works would preserve the Grade II listed building or its setting or any features of special architectural or historic interest which it possesses, and preserve or enhance the character or appearance of the conservation area (both Appeal A and Appeal B); and
- (ii) the effect of the proposed single storey extension on the living conditions of the occupiers of Morley Cottage with particular regard to light and outlook (Appeal A only).

Reasons

Listed building and conservation area

- 6. The Grade II listed building as an entity comprises a terrace of four cottages (the listed cottages) set behind a red brick boundary wall and long front gardens, with small courtyards to the rear. The cottages have red brick ground floors, red hung tile first floors, and tall brick stacks. Each cottage features one half of a large front gable respectively, which include multi-pane timber oriel windows with applied timber detailing above and decorative pargeting below. The cottages front Morley Road and Chislehurst Common. Nant Gwyn is at the end of the terrace and has a side access from Hawkwood Lane to its courtyard.
- 7. The statutory list description indicates that the listed cottages were first listed in 1973 and constructed in 1878 by Ernest George and Partners. The Council highlights that Ernest George led the 'Domestic Revival' architectural style, and that the properties were initially intended to house the gardeners and servants of Charles Morley, who was a politician who lived nearby.
- 8. I judge that the special interest and significance of the listed building as an entity is derived in part from its historic associations with a prominent late Victorian English revival architect as a bespoke group of workers' properties. The listed cottages have evidently been subject to various alterations but, despite these, the materials, detailing and design of the original building have endured and are expressive of the emerging revivalist styles of the late 19th century. Consequently, the overall authenticity and legibility of the original architecture, manifest in the listed building's form and detailed design, also contribute to its significance and special interest. As a substantial and prominent component of the terrace, Nant Gwyn contributes positively to the listed building's special interest and significance as a single entity.
- 9. The later alterations to the listed building including a substantial circa 1930s two storey side extension that features front and rear gables, a side dormer situated centrally on the roof slope facing Hawkwood Lane and is finished in red brick, hanging tile and cladding, with a mix of metal, timber and plastic framed windows. Although the extension detracts somewhat from the modest proportions of the original core of Nant Gwyn, it succeeds in complementing the materials and gabled form of the 1878 element, whilst reading as a clearly later addition. A single storey flat roof addition containing a utility extends further into the rear yard, beyond which is a pitched roof garage. While the utility and garage elements are of limited architectural merit, they are unassuming in scale and form and leave some of the courtyard undeveloped.

Other changes within the listed building include rear and dormer extensions, and a two-storey side extension to Yew Tree House. However, these are also relatively unobtrusive. Therefore, I consider that the alterations to the listed building to date have made a negligible, but not overtly harmful, contribution to its significance and special interest.

10. The Council's Supplementary Planning Guidance for Chislehurst Conservation Area (SPG) describes the conservation area as clusters of varied developed areas either on or slightly beyond the perimeter of the central common, which comprises wooded and open grassed areas. From what I have seen and read, the special interest and significance of the conservation area as a whole stems from the buildings and spaces that collectively reflect its development from former country estates into a fashionable outer London suburb from the late Victorian period onwards. The aesthetic qualities, detailing and materials of the late 19th and early 20th century buildings within the conservation area are reflective of its associations with revivalist architects and the 'Arts and Crafts' style, which includes the listed cottages. Together with the built environment's relationship with green spaces, these are valuable components the underpin the character and appearance of the conservation area as a whole.
11. The scheme would include the replacement of the utility room and garage with a part single and part two storey extension to Nant Gwyn. The single storey element would extend across most of the dwelling's width and infill much of the rear courtyard. Further, the two storey addition would add significant length and bulk to the already substantial circa 1930s extension, which would extend almost up to the rear site boundary. The proposed addition of new dormers on the outer roof slope would add to the extension's bulk and create a more prominent elevation to Hawkwood Lane. Additionally, the two storey element would introduce a hipped roof and a complicated overall roof form that would contrast poorly with the cohesive architectural form of the listed building. This would be exacerbated by the incongruous suspended first floor over the proposed car port. The scheme would also remove part of the rear wall to create a large kitchen and dining room. Not only would this element involve a loss of original fabric at ground floor level, but it would also obfuscate first floor hanging tile detailing that is part of the listed building's architectural interest.
12. Overall, these elements of the scheme would cause later additions to dominate Nant Gwyn, and undermine the legibility and authenticity of its original 1878 form and the character of the wider listed building as an entity, as well as the relationship between the built form and the plot. There are elements of the scheme that would not harm the special interest and significance of the listed building, including the sensitive replacement of some of the windows, the use of matching brick on the rear elevation, as well as demolition of the utility and garage. Nevertheless, a lack of harm in these respects does not address the harmful elements of the scheme identified, which would fail to preserve the special interest and significance of the listed building as an entity.
13. The extensions and changes to the other cottages in the terrace are not directly comparable to the scale and design of the proposed development and works, nor do they affect a part of the listed building that occupies such a prominent position as Nant Gwyn. Moreover, as already stated, the alterations to the other parts of the listed cottages make a negligible contribution to the special interest or significance of the listed building as an entity, which do not therefore justify the harm that would be caused by the scheme.

14. In terms of the conservation area, the scheme would undermine the aesthetic qualities, detailing and materials of the listed cottages, as a notable example of late 19th century revival-style architecture that adds to the special interest of the area. Thereby the proposed development and works to Nant Gwyn and the wider harmful impact on the listed cottages would weaken a valuable component that underpins the character and appearance of the conservation area as a whole. Notwithstanding the use of matching and quality materials, the harmful impacts would be clearly visible from Hawkwood Lane, from where the proposed two storey extension would stand out as an incongruent addition. I therefore cannot agree that the scheme would either preserve or enhance the character or appearance of the conservation area as a whole. Rather, there would be some harm to its special interest and significance.
15. Drawing the above together, the proposed development and works would lead to conflict with sections 16(2), 66(1) and 72(1) of the Act. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts to the significance of a designated heritage asset, great weight should be given to the asset's conservation. Having regard to the nature of the scheme and the impacts on the significance of the designated heritage assets, the harm would, in each case, be less than substantial in the terms of the Framework. In such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing a heritage asset's optimum viable use.
16. The scheme would involve the introduction of sympathetic brickwork and fenestration to replace rendered cladding and plastic windows; however, these are small positive enhancements and their weight as public benefits would be modest. The appellant puts forward that the scheme would enable an electric vehicle charging point to be installed. While supporting lower-carbon initiatives would offer some wider public benefit, there is nothing before me which suggests that the scheme is the least harmful way of achieving this. The proposal would result in some economic benefits during the construction phase too, although these would endure only in the short term.
17. It is advanced that the scheme would secure the optimum viable use of Nant Gwyn for its current and future occupiers. However, it already offers a satisfactory standard of accommodation and the wider listed building is also occupied and appeared to be in a sound overall condition. This causes me to doubt that the scheme would offer any benefit to secure the optimum viable use of the listed building. Instead, the additional accommodation would largely satisfy the private wants and a potential increase in the value of the property, which would accrue to the appellant and not be of public benefit.
18. Overall, the sum of the public benefits is insufficient to outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries. The scheme thereby conflicts with the heritage policies within section 16 of the Framework. Furthermore, it conflicts with policies 6, 37, 38 and 41 of the London Borough of Bromley Local Plan (LP) and the SPG. Amongst other things, the policies set out that schemes should complement host and adjacent buildings and preserve the special interest, character and appearance of listed buildings and conservation areas.

Living conditions

19. Morley Cottage is the attached dwelling to Nant Gwyn, which features a small rear courtyard like the rest of the cottages in the terrace. Its main body features ground floor windows in its rear elevation. There are also ground floor windows and a partially glazed door in an attached rear projection that faces the site around 2.2 metres from the shared boundary with Nant Gwyn, according to the Council's measurements. When I visited, vegetation was growing over Nant Gwyn's relatively deep utility and garage projection which is sited along the shared boundary. Nevertheless, the occupiers of Morley Cottage benefit from outward views above Nant Gwyn's rear projection.
20. The proposed single storey extension would be similar in depth to Nant Gwyn's existing projection but significantly taller in places, including where the utility room is currently in situ. Further, this part of the extension would be nearest to Morley Cottage's aforementioned rear windows and opposite the openings in its rear projection.
21. Satisfactory views out from the rear windows in the main body of Morley Cottage would be retained due to the offset position of the proposed extension. However, outlook from the rear projection of Morley Cottage would be shortened and restricted to the extent that overbearing would occur. Additionally, the proposed extension would be roughly to the south-east of Morley Cottage and, due to its height and position, there would also be an unacceptable loss of daylight and sunlight receipt to the aforementioned fenestration of the neighbouring property.
22. The appellant argues that the eaves height of the proposed extension would comply with the requirements of Class A, Part 1, Schedule 2 of the GPDO². However, this part of the scheme would not comply with Class A in other respects, such as due to its width and depth, and the impacts on the living conditions of the neighbouring occupiers would nevertheless remain. Although the extension would feature a pitched roof slope that would increase in height away from the shared boundary, this would not overcome the harm identified.
23. The proposed development would therefore harm the living conditions of the occupiers of Morley Cottage in terms of loss of light and outlook. Consequently, it would conflict with LP Policy 37, which states that development should respect the amenity of occupiers of neighbouring buildings.

Conclusions

24. The scheme would harm the special interest and significance of designated heritage assets and the living conditions of the occupiers of Morley Cottage, in conflict with the Act, the Framework and the development plan. Further, for the purposes of Appeal A, material considerations do not outweigh the proposed development's conflict with the development plan as a whole. For the reasons given and having regard to all matters raised, both Appeal A and Appeal B should be dismissed.

Mark Philpott

INSPECTOR

² The Town and Country Planning (General Permitted Development) (England) Order 2015