



Appeal Decision

Site visit made on 14 August 2023 by C Glaister BSc (Hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/G5180/D/23/3319467

28 Aynscombe Angle, Bromley, Orpington BR6 0HJ

- 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 Michael Madden against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/04436/FULL6, dated 10 November 2022, was refused by notice dated 9 January 2023.
 - The development proposed is a loft conversion.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Government published on 5 September 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect of the proposed development on the character or appearance of the Orpington Priory Conservation Area and on non-designated heritage assets.

Reasons for the Recommendation

5. The site is within the Orpington Priory Conservation Area (the CA). The CA includes older shops and business premises at the northern end of High Street, the locally listed buildings on Aynscombe Angle, including the appeal property, and an axis of development along Church Hill with historic significance. The appeal property itself is a two-storey terraced dwelling. The properties on

- Aynscombe Angle are a cohesive grouping of residences with strong consistencies in their form and materials, albeit with some variations in detail.
6. The terrace containing the appeal site has pitched roofs with gables on either end with a few rooflights but no dormers. The front of the terrace and its relationship with the other terraces in this planned group make a significant, positive contribution to the CA. The largely unbroken rear roofscape is also clearly visible from neighbouring roads. Together with the regular punctuation with chimneys, it also contributes to the appearance and significance of the terrace. While there are various alterations and extensions to the buildings in Aynscombe Angle, dormers are not characteristic of this planned group. The appeal property, the terrace, and the wider grouping of residences on Aynscombe Angle contribute positively to the CA and represent a distinctive area of local character.
 7. The proposed dormer would be almost as wide as the dwelling and would come very close to the ridge and eaves of the house. It would therefore be significant in size and would dominate the rear of the roof. The flat roof would not be sympathetic to or respect the style of the host property. From a wider perspective it would disrupt the rear roofscape of the terrace as a whole, which would be very noticeable from the public realm and would negatively impact the character and appearance of the host property and the terrace. There is some vegetation towards the end of the terrace, including a tall tree. However, this would not completely screen the dormer.
 8. The external surfaces of the dormer would match the materials present on the existing building, the dormer would not alter the overall height of the property, and the removal of the chimney stack and pots would not be required. However, these factors would not mitigate the harm resulting from the scale and position of the dormer. While I appreciate the need to achieve internal height requirements, this would not justify the overall size of the dormer or the harm associated with the proposal.
 9. Accordingly, the proposal would diminish the significance of the host property and wider group of locally listed buildings, which are non-designated heritage assets, and would not be sympathetic to their special local interest. Given the importance of this group of buildings to the CA, the proposal would also harm the character and appearance and special interest of the CA.
 10. The terrace is in close proximity to the rear of the buildings along High Street which have commercial characteristics. However, it is clearly visually distinct from these commercial buildings, which do not form part of the planned arrangement of residences on Aynscombe Angle. Consequently, the appearance of the rear of these commercial properties does not justify the harm identified.
 11. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The Framework states that great weight should be given to the conservation of designated heritage assets.
 12. The harm would be localised within one area of the CA, therefore the extent of the harm to the CA as a whole would be less than substantial in the terms of the Framework. In such situations the Framework requires that this harm

should be weighed against the public benefits of the proposal. It also requires that the effect of an application on the significance of a non-designated heritage assets should be taken into account and a balanced judgement reached.

13. The proposal would provide additional accommodation for the occupants. However, there is no substantive evidence before me that the existing property does not currently provide an acceptable standard of habitable accommodation. Furthermore, this would be a private benefit for the appellant and their family. Therefore, it carries little weight and does not outweigh the harm identified. A lack of objections is a neutral matter. No third-party comments in favour of the development have been received for the appeal.
14. For these reasons, the development would fail to preserve the character and appearance of the Orpington Priory Conservation Area and cause harm to the significance of the CA and non-designated heritage assets. It would therefore fail to comply with Policies 6, 37, 39, and 41 of the London Borough of Bromley Local Plan (January 2019) which together seek to ensure dormer windows are of a size and design appropriate to the roofscape and that development respects the features that contribute to the historic value of conservation areas and the special local interest of locally listed buildings.

Other Matters

15. The ground-floor rear extension present on the property is not visible from the public realm, and therefore has less of an effect on the character and appearance of the dwelling, those it adjoins, and the CA than the appeal proposal. It is not therefore comparable to the proposal and does not mitigate the harm identified.

Conclusion and Recommendation

16. The proposal would cause harm to the CA and non-designated heritage assets which is not outweighed by the benefits of the proposal. It would therefore conflict with the development plan read as a whole. There are no material considerations that justify granting permission contrary to the development plan. Therefore, having regard to all of the evidence raised, I recommend the appeal be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the reasoning set out above. The proposal would harm the character and appearance of the CA and the significance of designated and non-designated heritage assets. There are no material considerations, including the benefits of the proposal, that justify granting permission. On that basis the appeal is dismissed.

L McKay

INSPECTOR