



Appeal Decision

Site visit made on 12 September 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Appeal Ref: APP/G5180/W/23/3314975

Halls Farm House, Milk Street, Bromley BR1 5AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to planning permission.
 - The appeal is made by Mr Andrew Osahon against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/02089/FULL1, dated 24 May 2022, was refused by notice dated 19 July 2022.
 - The development proposed is to redevelop the site at the back of Halls Farm House, to create a three-bedroom family house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area including the effect on a non-designated heritage asset and,
 - The living conditions of the occupants of No. 6 Autumn Grove with particular regard to overshadowing and outlook.

Reasons

Character and appearance

3. The appeal site is in an area which has a semi-rural feel due to the heavy vegetation and tree coverage that lines the road and the lack of significant traffic noise. Buildings in the immediate area are interspersed and surrounded by trees and hedges. Whilst there are houses in Autumn Grove that are visible, they are less prominent as some of the rear gardens back onto Milk Street and do not undermine the secluded and pleasant character.
4. The appeal site is part of the curtilage of Halls Farm House, which is a detached locally listed building. The archive records suggest that there has been a house here since at least 1500 and its value lies in having been built in connection with a dairy farm. The Local List designation indicates the present Halls Farm House appears to have been built in the early 19th century and its picturesque appearance was enhanced by the garden. This suggests that the garden of the farmhouse and its spacious setting is an important part of the history of the building and its contribution to the rural landscape. The building has been extended since it was originally built, however, it has retained its vernacular architectural appearance with painted brickwork, sash windows and overhanging slate roof. The site as a whole therefore makes a positive

contribution to the character, appearance and historical interest of the area. Although the farmhouse is not statutory listed, it has historic significance and is an important heritage feature in the area.

5. When approaching Milk Street, the proposed house would be highly noticeable due to its siting on an open area of land. The house would have a sizeable rectangular footprint and due to its depth and width would cover a large proportion of the plot. When combining this with the closeness to the boundary, the overall scale and bulk of the house would represent a disproportionate addition to the site. It would appear that there would be some excavation below ground level to build the house with a ramped access. The house would be of a similar height to the houses in Autumn Grove, however, the level differences would give the house an appearance of a much greater scale.
6. The mixed palette of materials consisting of red and blue brickwork, cream render and grey tiles would be acceptable given that brickwork is characteristic of the area, the lower level of the farmhouse is painted in white and some of the houses in Autumn Grove have white panels on the upper floor. However, due to the grid pattern, grey frames and wide openings on the front and rear elevation, the fenestration would not be of a simple design and would not reflect the prevailing type of fenestration. The house would have a large half-hipped roof which due to its shape and length would give it a top-heavy appearance. This would starkly contrast with the simple hipped and pitched roofs characteristic of the existing nearby buildings. These design elements would emphasise its prominence and its incongruity in this context, despite the design intention of in keeping brickwork and render.
7. Although designed to be set back from the frontage, its height, the bulky roof form, large footprint and size, would combine to result in a development that visually dominates the site. Accordingly, the house would not assimilate well into the surroundings in this prominent and open location and would appear out-of-keeping with the spaciousness of the site.
8. The pattern of development in the immediate surrounding area consists of two rows of terraced houses in long rectangular plots in Autumn Grove and Halls Farm Allotments. The spacing and extensive tree coverage contributes to the more rural feel. Whilst the houses in Autumn Grove have small gardens, the footprints of those houses are smaller and therefore in proportion with the plot sizes. At the appeal site, the farmhouse is situated within landscaped grounds and has a long footprint which is positioned across the plot. This leaves a large garden area on both sides of the building. Developing the site to provide a large detached house with a small garden would therefore be contrary to the pattern of development.
9. Whilst I accept there would be some space between the farmhouse and the house, this space would be relatively narrow particularly because of the pinch point of the site boundary and would be constrained by the site level differences. As such, the overall existing spaciousness of the plot would be lost, and the proposal would therefore not retain the existing spacious setting.
10. The garden areas and spacing around the farmhouse creates an open character and provides a spacious context in which the building can be appreciated. This openness provides visual relief from the development at Autumn Grove which has eroded the wider space around the farmhouse. The proposal would result

in further encroachment of built form within the space around the farmhouse. As this garden area is a remaining feature of the historic rural context, it is therefore intrinsic to the significance of the farmhouse.

11. I therefore conclude that the proposal would have a significantly harmful effect on the character and appearance of the area, including the effect on the spacious character of the farmhouse which is a non-designated heritage asset. As such, the proposal would not accord with Policies 4, 8, and 37 of the Bromley Local Plan (the BLP) (2019) and Policies D1, D3, D6, H2 and HC1 of the London Plan (the LP) (2021). Taken together, amongst other things, these policies require development to be of a high standard of design that respects the local character and space around buildings to positively contribute to the street scene and conserve the significance of heritage assets by being sympathetic to the assets significance and their appreciation within their surroundings.
12. For these reasons, the proposal would also fail to comply with part c) of paragraph 130 of the Framework which indicates that decisions should ensure that developments are sympathetic to local character and history.

Living conditions

13. The site plan drawing shows that the house would be close to the boundary of No. 6 Autumn Grove and would be near their garden. At my site visit, I observed that the distance and lack of built form in the garden area of the appeal site creates a relatively open setting for the rear garden of No. 6 which is small in size. However, this open outlook would be curtailed by the presence of the house. The overall bulk, scale and massing of the house, close to the boundary, would have an overbearing effect that would limit the outlook for users of the garden.
14. Even though the house would not extend beyond the ground floor extension of No. 6, it would extend past their first floor windows and would be directly adjacent to their side and rear garden area. As a result of the house's siting, scale, size and height, to the south of No. 6, it would result in an unacceptable level of overshadowing to their garden area and first floor windows.
15. The proposal would therefore cause significant harm to the living conditions of the occupants of No. 6, failing to accord with Policies 4, 8 and 37 of the BLP and Policies D3, D6 and H2 of the LP. These policies seek amongst other things, that development respects the amenity of occupiers of neighbouring buildings with particular consideration given to overshadowing. It would also conflict with part f) of paragraph 130 of the Framework which seeks to ensure development has a high standard of amenity for existing users.

Other Matters

16. The Council referred to Policy 39 of the BLP in its reasons for refusal relating to character and appearance. This policy applies to proposals to alter, extend or change the use of locally listed buildings. As the proposal relates to the garden and not to the farmhouse itself, this policy is not determinative in my assessment of this appeal.
17. There are no objections on the grounds of the size of rooms, living conditions for future occupiers, cycle parking, waste, sustainability, drainage, air quality and trees and landscaping matters. However, the provision of these in a

satisfactory manner is to be expected of all development and is of a neutral weight in this appeal.

Planning Balance

18. The Council cannot demonstrate a five year housing land supply. Therefore, in accordance with the provisions of part d) ii. of paragraph 11 and footnote 8 of the Framework, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
19. In relation to a non-designated heritage asset, paragraph 203 of the Framework sets out that a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. Having regard to this, the scale of harm I have identified to the significance of the farmhouse would weigh against the proposal.
20. I have found that the proposal would cause significant harm to the character and appearance of the area and the significance of the setting in which a non-designated heritage asset is experienced and would have a harmful effect on the living conditions of neighbouring occupiers. As a result, there is conflict with Policies 4, 8 and 37 of the BLP and Policies D1, D3, D6, H2 and HC1 of the LP. These policies are consistent with the Framework in so far as they promote development that is sympathetic to local character, conserves and enhances the historic environment and ensures that it has a high standard of amenity for existing users. Even taking account of the objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and these policies carry significant weight in this appeal.
21. The proposal would make a contribution towards the supply of housing, in an area with an ongoing under supply. There would also be social and economic benefits arising from the construction period and the spending of future occupiers would give support to local services and facilities. Notwithstanding this, any construction benefits would be modest and short term and one dwelling would make only a very minor contribution to the overall supply of housing across the Council area. I can therefore give these benefits only limited weight. I note that the proposal would be liable for a Community Infrastructure Levy payment which would contribute to funding the infrastructure needed to support development, however, this would be required under the relevant legislation anyway and would weigh neutrally in the planning balance.
22. The adverse impacts of the harm to the character and appearance of the area and, to the significance of the non-designated heritage asset, and the harmful effect on the living conditions of the neighbouring occupants, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

23. The proposal would conflict with the development plan, read as a whole and there are insufficient other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

L Reid

INSPECTOR