



Appeal Decision

Site visit made on 10 January 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/G5180/W/23/3325953

**Celestial Church Of Christ, 53 High Street, St Mary Cray, Orpington
BR5 3NJ**

- 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 D Olabisi against the decision of the Council of the London Borough of Bromley.
 - The application Ref 23/00368/FULL1, dated 9 March 2023, was refused by notice dated 4 May 2023.
 - The development proposed is erection/stationing of portable cabin rear of No 53 High Street for use as food bank connected with the church (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw a cabin on the appeal site, seemingly in accordance with the appeal plans. Therefore, the development has already commenced.
3. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. The provisions of the Framework relevant to this appeal have not materially changed. Therefore, it is unnecessary in the interests of fairness to seek comments from the Council and the appellant on the revisions.

Main Issues

4. The main issues are (i) whether the development preserves or enhances the character or appearance of St Mary Cray Conservation Area (the CA), and (ii) its effect on the setting and significance of 53 High Street (No 53) as a locally listed building and a non-designated heritage asset.

Reasons

Conservation Area

5. The CA includes properties along High Street as well as land to the side of the River Cray. Some properties, such as the Pavilion Hotel, retain interesting architectural features that illustrate their age. Also, several properties along High Street have commercial uses at ground floor, suggesting it was historically a through route of some importance. The buildings and their close relationship with the road help create an attractive street scene. All of these aspects contribute towards the CA's historic and aesthetic significance.

6. The appeal site lies in the CA but it is to the rear of No 53 and so it makes no meaningful contribution to the appearance of High Street. However, it lies on the corner of Hythe Close and Sandway Road, which slopes downwards in the direction of High Street. As such, the plot is in a prominent location at an entrance point into the CA and the High Street area.
7. Prior to the installation of the cabin, the appeal site was used for parking. As such, I am unconvinced it would have made any positive contribution to the qualities of the street scene. However, I envisage that its use for parking would have had a fairly low-key visual effect that would have been consistent with nearby kerbside parking.
8. In comparison, the cabin on the site stands out as an unusual feature, being flat roofed and block-like in form. Also, by virtue of its construction, it looks like a temporary structure at odds with the more permanent appearance of nearby properties. The incongruity of the cabin is highly noticeable when walking towards High Street along Sandway Road. It is lower than No 53 and the adjoining properties facing onto High Street but, nonetheless, it is an unsympathetic visual distraction within and at the entrance of the CA.
9. Several outbuildings lie to the rear of High Street properties that adjoin the appeal site. In light of these structures, the rear area onto Hythe Close is not particularly open and so the cabin does not appear unusually cramped. Moreover, the adjacent outbuildings are of simple form and constructed from various external materials so that they fail to meaningfully reflect the more historic appearance of High Street properties.
10. However, the cabin is more obvious than the other buildings as it is closer to Sandway Road and so it has a greater influence on the character and appearance of the area. In any event, the presence of the outbuildings fails to address or override the specific detrimental effect of the cabin by virtue of its prominence and incompatible form and appearance. Even when considering the existing outbuildings, the cabin appears out of keeping with its context.
11. For these reasons, I conclude the development fails to enhance or preserve the character or appearance of the CA. In these regards, it would be contrary to policies 37 and 41 of the London Borough of Bromley Local Plan 2019 (LP). Amongst other things, these require development to contribute positively to the street, to respect heritage assets and to complement the form of existing buildings in conservation areas.
12. Having regard to the advice in the Framework, I consider the development has caused less than substantial harm as only a small part of the CA is affected. In such circumstances, the Framework states the harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal. I turn to this matter later on in this decision.

Effect on No 53

13. The Council advises that No 53 is a locally listed building. LP policy 39 states that such buildings should be considered as non-designated heritage assets. No information has been provided on the age of No 53 and its appearance does not obviously suggest it is old. Nonetheless, it is of an interesting barn-like form with attractive architectural features including horizontal timber cladding

on all sides at first floor. Also, it is seen as part of the High Street townscape and is prominent on Sandway Road. All of these factors add to its significance.

14. The cabin is seen from the adjoining streets alongside and near to the rear elevation of No 53. As it is low, the cabin does not significantly obscure sight of the property but it draws attention away from the locally listed building by virtue of its incongruity and prominence. In these respects, it affects the setting of No 53 and undermines its significance by detracting from its appearance.
15. Therefore, I conclude the development would be detrimental to the setting and significance of No 53. Accordingly, it would be contrary to LP policy 39, which requires development to respect the setting of locally listed buildings.

Other Matters and Heritage Balance

16. Pavilion Hotel is a grade II listed building that gains its significance at least partly from its age and architectural interest. No 53 lies between the cabin and the hotel and so the development does not affect the setting nor the significance of the listed building. Acceptability in these regards is a neutral factor in my assessment.
17. The development represents the effective use of previously developed land in a settlement, as promoted under the terms of the Framework. This factor attracts modest weight.
18. The food bank is relied upon by members of the local community in need of support. This is a significant public benefit that outweighs the identified harm to the setting and interest of No 53 as a non-designated heritage asset.
19. However, under the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Framework at paragraph 205 states that great weight should be given to the conservation of a designated heritage asset such as the CA in considering the impact of development. Accordingly, the identified harm to the CA's character or its appearance attracts considerable weight. The public benefits of the scheme when considered together are insufficient to justify the detriment that is caused by the cabin.

Conclusion

20. The development is contrary to LP policies. Other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR