



Appeal Decision

Site visit made on 4 June 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Appeal Ref: APP/D5120/W/23/3334512

62 Woolwich Road, Bexleyheath, DA7 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Maksele (MaxxJoin Ltd.) against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 23/00271/FUL.
 - The development proposed is the 'erection of a detached two storey dwelling with associated refuse storage and amenity space. Replacement of front boundary treatment with 1-metre-high fence, boundary gates and brick piers. Replacement boundary treatment to the side and rear'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No 62 Woolwich Road is the Grade II listed building known as Orchard House (List Entry Number: 1294681). In considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker is required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have borne in mind this statutory duty in deciding this appeal.
3. The description of development in the banner heading above is taken from the Council's decision notice and is the same as the appeal form. This is a more accurate description of the proposed development as it removes reference to 'conversion and repair of an existing dwelling', which formed part of the works at the appeal site considered and granted approval under a separate application for listed building consent (ref 23/00272/LBC) (the listed building works).

Main Issue

4. The main issue is the whether the proposed development would preserve the setting of the Grade II listed building known as Orchard House.

Reasons

5. According to the statutory list description, Orchard House dates from the early to mid-19th Century. It is a detached two-storey dwelling featuring white timber weatherboarding, slate roof, six-pane sash windows and a central chimney stack. The appellant's Heritage Statement of Significance indicates

that Orchard House was historically surrounded by a more rural landscape and, as its name suggests, may have been associated with a fruit plantation.

6. Today, Orchard House stands within a well-defined, open garden mainly laid to grass and bound by timber and metal fencing, with open school grounds and allotment gardens to the side and rear. The wider area is residential, characterised by a mix of semi-detached and terraced dwellings. Despite later extensions and changes within the wider setting, the special interest and significance of Orchard House comes in part from its age, vernacular architecture, traditional materials, and historic associations with its former rural surroundings. The garden surrounding Orchard House forms its immediate setting, which sets it apart from the more built-up surroundings and enables appreciation of its historic, rural origins. Thus, the garden setting of Orchard House makes a positive contribution to its significance as a designated heritage asset.
7. The proposed development would introduce a detached two-storey dwelling within the rear garden of Orchard House and its immediate setting. Even with the removal of the single storey extension at the rear to Orchard House, as approved under the listed building works, at the widest point, the proposed dwelling would be sited under 5 metres from Orchard House and the intervening gap developed as space for landscaping and bin storage. Relative to the size of its existing garden setting, the proposed dwelling would be a sizeable urban intrusion that would substantially reduce the open space around it. The open spacious setting would be further weakened by the proposed subdivision of the site to form two separate dedicated spaces for each dwelling.
8. I note that the orientation and scale of the proposed development relative to Orchard House was to the satisfaction of the Council's Planning Officer; and that the scheme had been recommended for approval to its Planning Committee. Notwithstanding this, a reduction in the amount of hardstanding, and a tighter urban grain in the wider locality, taken with the associated boundary subdivision and domestic paraphernalia, the proposal would result in a cramped development that would fundamentally erode the green, open garden setting of Orchard House.
9. The proposed dwelling has been designed to mirror certain features from Orchard House, including, sash windows and weatherboarding. It is also proposed to replace the front boundary treatment with a fence, brick piers and gate. However, even with these details and a lower double pitched roof line, the proposed dwelling would be read as an incongruous addition that would compete with rather than compliment Orchard House.
10. The Heritage Statement indicates there have been a variety of outbuildings within the curtilage of Orchard House at various points in time, although none exist today. In any event, the historical photograph and map extracts provided seem to show ancillary outbuildings and structures, not a two-storey separate dwelling in such proximity as is proposed. I therefore do not consider that any pre-existing structures on the appeal site provide useful justification for the scale and nature of the proposed development. The case is also made that the proposed dwelling would not be obvious in vantages from Woolwich Road. While a lack of visibility does not necessarily equate to a lack of harm, the impact of the proposed dwelling would be noticeable on approach to the site along Woolwich Road and from the nearby allotments.

11. Drawing the above together, I find that the proposed development would fail to preserve but rather cause harm to the setting of the Grade II listed building which runs counter to statutory presumption under s66(1) of the Act and carries considerable importance and weight. Bearing in mind there would be no physical impact on the built fabric of Orchard House, I consider the scale of harm to its significance as a designated heritage asset would be less than substantial. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. The development would provide a family-sized dwelling, making use of the potential of a small site within a location close to a range of facilities and public transport links, where the provision of housing is acceptable in principle. There would be economic benefits associated relative to the construction phase and as future residents feed into the local economy. The addition of one dwelling to the housing market would also increase the choice of homes and make a very small but nonetheless beneficial contribution to boosting housing supply, to which there is no upper limit. Cumulatively these benefits carry moderate weight in favour of the appeal scheme.
13. The case has not been made that the appeal proposal would secure the optimum viable use of Orchard House, which has already gained consent for the listed building works. There would be no harm in respect of trees, wildlife, flood risk, noise, cycle parking or refuse storage and materials, landscaping and boundary treatments could be controlled by conditions. The proposed dwelling would also provide adequate outlook and ventilation, accessible design for future occupiers and meet minimum space standards. Furthermore, there would be no adverse impacts on local energy and water supplies or drainage infrastructure. However, these are neutral considerations that do not weigh in favour of the proposal nor constitute public benefits.
14. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The proposal would not preserve the setting of the listed building nor better reveal its significance. Less than substantial harm to a designated heritage asset does not equate to a less than substantial planning objection. Even cumulatively, and irrespective of the limited number of objections from interested parties, I do not consider that the public benefits of the proposal would be sufficient to outweigh the harm to the significance of Orchard House as a designated heritage asset.
15. Conflict therefore arises with the historic environment protection policies of the Framework. There would also be conflict with Policies SP6 and DP14 of the Bexley Local Plan (2023), and Policy HC1 of the London Plan (2021) insofar as they seek to ensure proposals conserve and enhance the significance of heritage assets and their settings.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Thomas Courtney

INSPECTOR