
Appeal Decision

Site visit made on 2 July 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 SEPTEMBER 2024

Appeal Ref: APP/G5180/W/23/3335716

6 Ladywood Avenue, Petts Wood, Bromley, Orpington, BR5 1QJ

- 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 Heniam Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 23/02373/FULL1.
 - The development proposed is the demolition of 6 Ladywood Avenue (former Friends Meeting House) and construction of 2 no. two storey detached four-bedroom dwellings with new vehicular accesses and associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed loss of the community use is justified; and
 - the effect of the development on the character and appearance of the locality including the Area of Special Residential Character (ASRC), and whether the development would preserve or enhance the character or appearance of the Conservation Area (CA).

Reasons

Loss of Community Facility

3. No 6 Ladywood Avenue is a two-storey detached building located on the corner of Ladywood Avenue and Greencourt Road. The building was used as a meeting house for the Quakers until 2014. Policy 20 of the Bromley Local Plan (LP) seeks to ensure proposals do not lead to the loss of community facilities, unless alternative enhanced provision is to be made in an equally accessible location for the community it serves, or it can be demonstrated that there is no longer a need for them or other forms of social infrastructure.
4. I acknowledge that the building ceased to operate as a religious meeting house in 2014 and has been vacant since. The appellant states that, in respect of Policy 20, there is no existing community facility which is to be lost and that the Quakers have already sought alternative provision elsewhere. However, whilst the building is currently not in use, it is still capable of functioning as a community facility. I have also not been provided with satisfactory evidence regarding the alternative provision. It is not clear whether the former users of

the facility joined another existing facility or whether new premises were created.

5. The letter submitted by the appellant (dated 5 October 2023), written by Sinclair Hammelton, an estate agency that had previously marketed the site in 2014, states that following the slow decline of worshippers using the property and because of maintenance costs, the Meeting House was closed, and congregations were consolidated in existing sites throughout the South of London. In my view, this does not amount to *alternative enhanced provision*.
6. The thrust of Policy 20 is to ensure the provision and retention of a wide range of appropriate social infrastructure within the borough. In the absence of sound evidence relating to an alternative enhanced provision, the appellant is required to submit marketing evidence to demonstrate there is no longer interest in the site. Whilst marketing evidence was provided with the previous planning application refused in 2015 (ref 15/01312/FULL1), it is considerably out of date and would not constitute viable evidence to justify the loss of the community use.
7. The appellant and other third parties argue that the site is an inappropriate location for a community facility. I also note that Policies 21 and S1 of the LP encourage community facilities in accessible locations. Notwithstanding this, the current lawful use of the site is for community use, and I therefore must ensure its loss is justified according to Policy 20. Whilst the estate agent's letter states that the site would not attract any interest as a property in Use Class F1, I am unable to conclusively determine this point without recent marketing evidence.
8. Accordingly, the loss of the community use has not been justified. The proposal would therefore conflict with Policy 20 of the LP which seeks to ensure proposals do not lead to the loss of community facilities, as referred to previously. It would also conflict with Paragraph 97 of the National Planning Policy Framework (the 'Framework') which aims to enhance the sustainability of communities and residential environments through the provision of social, recreational and cultural facilities.

Impact on CA and ASRC

9. The appeal site is located within the Petts Wood Area of Special Residential Character (ASRC) and the Chislehurst Road, Petts Wood, Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
10. The CA is characterised by its open, verdant, and suburban feel. The built form, informed by Garden Suburb principles, is typified by a mix of detached and semi-detached properties set within generous plots, low boundaries, and deep rear gardens. Most houses date from the 1930s and are predominately finished with white render, with some properties featuring timber framing in a Mock Tudor style, hipped roofs with gabled elements, projecting porches, bay windows and lattice windows.
11. There are numerous street trees and green verges, and the roads have generous widths which creates a spacious setting for the attractive properties.

The significance of the CA is derived from its historical urban form. The BEAMS Historic Area Assessment report states that it is significant as an historically and architecturally interesting 1930s planned garden suburb. It notes that there is a sense of unity and cohesiveness formed by the plot sizes, building lines, roof heights and materials.

12. No 6 Ladywood Avenue occupies the southern part of the appeal site. It was originally constructed as a school facility in the 1930s and was later used as a Quakers Meeting House until 2014. The existing building is vacant and appears somewhat unkempt. It has a simple traditional design with swept eaves and historic tile creasing. However, the building features a large and unattractive rear extension as well as uPVC windows which, together, have negatively impacted the appearance of the building. It is not of particular architectural interest and, notably, appears awkwardly sited within the plot due to its angled position close to the southern boundary. The width of the appeal site's frontage is inconsistent with neighbouring plots on Ladywood Avenue.
13. Whilst some historical interest might be attached to the building's history as a preparatory school and then as a Friends' Meeting House, I concur with the appellant that these historic functions are not articulated positively through the architectural form of the building. The BEAMS report merely refers to the Quakers meeting house but does not elaborate on its significance or how the building contributes or ties in with the characteristics of the CA.
14. The open side garden contributes to the spaciousness and sylvan character of the area but in light of the unremarkable appearance and awkward siting of the building, I find that the appeal site makes a neutral contribution to the significance and character of the CA and ASRC.
15. Whilst the Council consider that the overall scale and bulk of the proposed dwellings would be excessive, I find that the footprint, height and width of the houses would be comparable to other properties on Ladywood Avenue and the surrounding area. The rear of the proposed dwellings would not unacceptably project beyond the rear building line to such an extent that it would disrupt the rhythm and symmetry of the established pattern of development. In fact, I note that they sit inside the rear extent of the existing footprint of No 6. The proposed garage of house 1 and a small portion of house 2 would breach the building line of Greencourt Road, however, this would not be visually significant and would not be unusual in the area.
16. The proposed dwellings have been reduced in size to address the concerns relating to the previous scheme refused in 2015 and dismissed at appeal¹. However, the Council consider that the alterations would not be sufficient, and the proposed houses would appear as deep square forms. The plans show that the footprints of the dwellings have been moderately reduced. Crucially, the crown-pitched roofs have been omitted and the width of House 2 has been significantly reduced. Furthermore, the integral garage and side dormer of House 2 have also been removed. In my view, the proposed amendments have effectively reduced the overall volume and bulk of the dwellings such that they would not be read as disproportionately sized structures in the streetscene.

¹ Application ref. 15/01312/FULL1 and appeal ref. APP/G5180/W/15/3133381

17. Moreover, the proposed dwellings would be sympathetically designed and would incorporate architectural features that characterise the CA such as the use of decorative timber framing and heritage windows.
18. The Conservation Officer states that the development would negatively impact the open character of the plot. Whilst the CA is typified by its verdant spaciousness, the open character of the corner plot is not a defining or consistent characteristic. House 2 would still allow for a minimum separation gap of 4 metres to the side boundary along Greencourt Road at the rear of the building, increasing to approximately 8 metres to the front. There would also be a generous landscaped area in the north-eastern corner of the site. The mature trees would be retained along the boundaries and the front gardens would feature low boundary walls. Whilst the development would encroach within the existing side garden, the verdant character and spatial standards of the CA would be preserved.
19. The sub-division of the plot would not harm the established garden suburb principles of the area given the resultant plot sizes, including the proposed gardens, would be comparable to plots in the vicinity. The Petts Wood & District Residents' Association (PWDRA) highlighted several corner plots with large gardens, however, there are also several examples of properties on corner plots within the CA and ASRC that are not considerably set back from the corner, and which feature similarly sized gardens as the proposed dwellings. In any case, the proposal would maintain an open and verdant corner in line with the characteristics of the CA and ASRC.
20. There is also some merit to the evidence relating to the original estate layout which shows that the appeal site originally contained two separate residential plots. I am therefore not convinced that the proposal would harm the historical background relating to how the original estate was laid out by the estate developer.
21. The PWDRA has drawn my attention to other developments that were dismissed at appeal. The proposed scheme on land at 46 Silverdale Road, Orpington (ref APP/G5180/W/22/3312484) is not comparable to the proposal before me as it constituted poor design and had an adverse impact on the living conditions of neighbours and future occupiers. The proposed scheme dismissed at 184/184a Chislehurst Road (ref PP/G5180/W/19/3240274) was a back land development that would have significantly reduced existing gardens and eroded the spatial pattern of development. I do not find it is comparable to the appeal proposal given its back-land nature.
22. Given the above, the proposal would not harm the character and appearance of the Petts Wood ASRC. It would also preserve the character and appearance of the CA. The development would thus not conflict with Policies 4, 37, 41 and 44 of the LP insofar as they seek to ensure new developments are well-designed, preserve and enhance the characteristics and appearance of conservation areas, and respect the distinctive qualities of Areas of Special Residential Character.

Planning Balance

23. The proposal would preserve the character and appearance of the CA but the loss of the community use of the building has not been justified. The proposal would conflict with Policy 20 of the LP and would therefore not accord with the

development plan as a whole and this is a matter that counts significantly against allowing the appeal.

24. However, the Government's objective is to significantly boost the supply of homes. Other provisions of the National Planning Policy Framework (the 'Framework') give support to the development of small windfall sites and observe that they can make an important contribution to meeting the housing requirement. The Housing Delivery Test 2022 results for Bromley (published in December 2023) indicated that housing delivery against Bromley's housing requirement has fallen below 85% over the HDT period. Furthermore, the Council states that the five-year housing land supply is 2.96 years, which is a very significant level of undersupply.
25. Paragraph 11 d) of the Framework explains that in these circumstances, planning 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.
26. The proposed dwellings are well-designed with a high standard of accommodation for future occupiers and would not harm any heritage assets. They would make a positive contribution to housing supply with associated social and economic benefits during the period of construction and once the dwellings are occupied. There is considerable support for new housing in this location given the proposal would also improve the appearance of the site and demolish a building that is in disrepair, and which has attracted anti-social behaviour.
27. However, the scale of development proposed means the contribution of two additional dwellings to meeting housing need in Bromley through a more efficient use of land and the associated benefits would be limited.
28. In the particular circumstances of this case, I have concluded that there is insufficient information to justify the loss of the community use, and this would conflict with policies of the Framework. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

29. The proposal conflicts with the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable, and the appeal should be dismissed.

Thomas Courtney

INSPECTOR