



Appeal Decision

Site visit made on 29 October 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/G5180/D/24/3349377

16 Ashfield Lane, Chislehurst, Kent, BR7 6LQ

- 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 Miss Fleur Andrews against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01654/FULL6.
 - The development proposed is 1.8m high black iron sliding gate and railings to front boundary.
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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 Chislehurst Conservation Area; and
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

3. The appeal site lies within the Chislehurst Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. The CA covers an extensive area, with the appeal site falling within sub-unit 2 – Around and close to the Commons. Its significance in part derives from its wooded, village-like character whilst the generosity of trees, hedges and gardens associated with dwellings strongly reinforces the sense that a wooded environment with scattered housing lies beyond the commons. Residential development in the CA is predominantly characterised by its spacious, well landscaped setting.
5. The appeal property is a detached, two-storey dwelling located on a prominent corner plot at the junction of Ashfield Lane and Kemnal Road. It sits within a row of mainly large detached houses in generous plots, with woodland associated with the commons opposite. The wide, open frontage of the site

- with trees and other vegetation on or adjacent to its side boundaries ensures that the site makes a positive contribution to the character and appearance of the CA.
6. The appeal proposal is for a 1.8m high black iron sliding gate and railings to the front of the dwelling. The appellant has referred to examples of different front boundary treatments in Ashfield Lane, including walls, black metal railings and gates, some of which are recessed. These include the white painted piers and low walls with metal railings on top at 18 Ashfield Lane which, in my opinion, has not positively contributed to the CA. However, from my observations on site, the front boundary treatment of the closest row of houses to the appeal site mainly comprise of picket fencing and hedges which are low in height. This results in this section of Ashfield Lane having a particularly spacious, informal character and appearance which contributes positively to the significance of the CA.
 7. Whilst I acknowledge the variety of front boundary treatments in the wider CA, including the examples highlighted by the appellant further to the west in Ashfield Lane, along Kemnal Road and in areas further afield, the appeal proposal would not be viewed in context with these examples. Instead, I find that the proposal would, due to its overall composition, size and height, black colour and metal material, be a highly urbanising, unduly formal form of enclosure which would be significantly at odds with the more informal, simple and lower scale boundary treatments along the adjacent section of Ashfield Lane.
 8. Furthermore, the proposed railings would be highly conspicuous in the street scene having regard to the prominent corner location of the site at the crossroads junction with Kemnal Road and would significantly detract from the spaciousness of the corner derived from the open frontage.
 9. Accordingly, the proposal would have a negative effect on the significance of a designated heritage asset. However, given the relatively small scale of the proposal, this would be less than substantial harm to the significance of the CA as a whole. Paragraph 208 of the National Planning Policy Framework (the Framework) indicates that in such circumstances the harm should be weighed against the public benefits of the scheme. Whilst I acknowledge the personal benefits to the appellant in terms of improved security, this matter would not amount to a public benefit and consequently, would not outweigh the great weight that should be given to the asset's conservation.
 10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the CA. In addition to the conflict with national policy and legislation identified above, the proposal would also be contrary to Policies 37 and 41 of Bromley Local Plan 2019 (BLP) and Policies D4 and HC1 of the London Plan 2019 (LP). Together these policies seek to protect the district's heritage assets and require development proposals to enhance local context and to ensure that the character and local distinctiveness of a street or area is respected, maintained or enhanced.

Highway Safety

11. At the time of my site visit I observed that Ashfield Lane is a busy road with a steady flow of traffic in each direction, together with vehicles turning into and

out of Kemnal Road. The road is subject to a 30mph speed limit in the vicinity of the appeal site.

12. The railings and sliding gate would be set back from the 53.6m x 2.4m sightline from Kemnal Road and I acknowledge that the Council's highway engineers are satisfied that the gates and boundary enclosure would not impede visibility at the junction. I have no substantive evidence before me to dispute these findings.
13. There would not be sufficient space to the front of the gates to allow a vehicle to clear the highway whilst the gates are opened or closed. Accordingly, waiting vehicles would obstruct the pavement and overhang the carriageway resulting in danger and inconvenience to pedestrians and users of Ashfield Lane.
14. The appellant has confirmed that the gates would have a high mechanical efficiency allowing a quick opening time and a long range remote control via mobile phone. I note that consideration of the details of the mechanical operation of the gates has led the Council's highway engineers to withdraw their objection to the proposal.
15. However, I concur with the Council's planning officer's assessment and that of the previous appeal Inspector¹ that an electronic mechanism which guarantees gates would always be open to allow a vehicle to pull freely into the property on arrival would be difficult for the Council to monitor and enforce. Whilst the electronic mechanism would be likely to be effectively used by the occupiers of the appeal property, I can foresee that the effective operation of the gates would be particularly problematic in respect of deliveries and unexpected visitors to the property. I therefore conclude that gates in this position would, on occasions, be likely to result in vehicles waiting on the highway and this would cause danger and inconvenience for pedestrians and other road users.
16. Thus, I find that the proposal development would be likely to have an adverse effect on highway safety. Accordingly, the proposal would conflict with Policy T4 of the London Plan 2021 and Policy 32 of the BLP insofar as these policies seek to ensure that road safety is not significantly adversely affected by development proposals.

Conclusion

17. I have concluded that the proposal would not preserve the character and appearance of the CA. In addition, I have found that the proposed development would have a harmful impact on highway safety. The proposal therefore conflicts with the development plan taken as a whole.
18. For the above reasons, having regard to the development plan and all other relevant material considerations, the appeal is dismissed.

J Davis

INSPECTOR

¹ In relation to appeal Ref. APP/G5180/D/22/3297761