
Appeal Decision

Site visit made on 20 December 2024

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/G5180/W/24/3344197

44 Belvedere Road, London SE19 2HW

- 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 Ms Jane Mitchell against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 23/03764/FULL1.
 - The development proposed is The replacement of rear outbuildings with a new 1-bed house, on the rear garden of 44 Belvedere Road with Vehicle parking, Cycle and Refuse provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council changed the description of the proposed development to that shown in the banner heading above. This is a generally accurate description of the development proposed which I have therefore used in this Decision.
3. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.
4. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me, in determining this appeal, to have special regard to the desirability of preserving the listed buildings, or their setting, or any features of special architectural or historic interest which they possess and also to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings, 3-5 Palace Grove, and the extent to which it would preserve or enhance the character or appearance of the Belvedere Conservation Area (the CA).

Reasons

6. The appeal property is a two storey semi-detached house which is set back from Belvedere Road behind a small landscaped car parking area. The property has a

long rear garden which slopes downwards from the house to the rear site boundary. The rear part of the garden houses single storey outbuildings and a vehicular access and gates onto Palace Grove, a short gravel access road which runs perpendicular to Fox Hill and is lined by five dwellings.

7. The site is within the Belvedere CA and the appeal property is of sufficient historic interest to be considered a non-designated heritage asset by the Council. The character of this part of the CA and its significance stems from the age, architectural quality, and spacious layout of buildings fronting Belvedere Road and surrounding streets. The Council's Supplementary Guidance for Belvedere Road Conservation Area also identifies that the large rear gardens of many houses, although not visible from the street, contribute significantly towards the character of the area. With its canted bay window, front porch, architectural detailing and long rear garden, the appeal site positively contributes to the character of the area.
8. The screening provided by 44 and 46 Belvedere Road, combined with the topography of the sloping rear garden, ensure that the proposal would not be prominent in views from the front of Belvedere Road. However, the rear garden is highly visible in nearby vantage points including views from Palace Grove and Fox Hill. The existing outbuildings within the rear of the site, whilst utilitarian in design are relatively small scale and do not have a harmful effect on the character of the area.
9. The introduction of a new dwelling, with a footprint significantly larger than that of the existing outbuildings, and built close to the garden's boundaries, would erode the open nature of the garden. During my site visit I noted that the appeal site is not currently subdivided and unimpeded access is possible from the front to the rear of the site via the garden. In contrast, the subdivision of the garden would lead to both the proposed dwelling and host dwelling having noticeably and uncharacteristically smaller gardens than neighbouring properties.
10. The single storey design, the green flat roof and future landscaping have been proposed to minimise the dwelling's visual impact. A significant proportion of the site would also remain free from built form. However, for the reasons set out above, the building would have a harmful impact on the open and spacious character of rear gardens within this part of the CA, and would amount to a form of overdevelopment which would be read as a cramped, incongruous feature. It cannot therefore reasonably be described as making good use of the site. Similarly, the detailed design and materials proposed for the dwelling, when viewed in isolation, may be acceptable. However, the impact of the development, when viewed in its context, due to its impact on the garden area would cause harm to the CA, as a whole.
11. I acknowledge that unlike many properties in the area, a means of access to the site from Palace Grove is already established and that, as a result, redevelopment in this manner could not be replicated at most other locations in the CA. I have also had regard to other rear buildings in the area, including at 42 Belvedere Road. However, based on the available evidence and my site visit observations, large rear buildings do not appear to be a characteristic of the immediate area, and are not found within the majority of properties on this side Belvedere Road. In any event, the existence of a limited number of rear buildings does not indicate that the proposed development is acceptable.

12. The List description confirms that nearby 3-5 Palace Grove were Listed in 1973 and dated from circa 1860. They form a short Grade II Listed terrace, which is two storeys with additional gabled attic accommodation, and are listed as a result of their special group interest. They are architecturally uniform and, amongst other things, the List description describes the properties' round-headed windows in the attic storey and two sashes on the other floors.
13. 5 Palace Grove shares a boundary with the appeal site, and there is no disagreement between the parties that the proposal would be within the setting of the LBs. Given the proximity of the proposal to the heritage assets, I see no reason to disagree.
14. The significance of the LBs is derived from their age and architectural quality and grouping as a terrace, as well as their location fronting Palace Grove which has a low key character exemplified by its narrow, gravel access road. The architectural detailing and ordered composition of the terrace which informs much of the special interest of the LBs is most clearly appreciated in views from Palace Grove.
15. The appeal site is seen in the rear of views of the LBs from Palace Grove. The proposal would project further forward in the plot than the existing outbuildings and would be an overall larger and more prominent addition. It is therefore my view that the proposal would have a greater impact on the setting of the LB than the existing understated outbuildings. The introduction of a larger, modern and more intensive form of development would also reduce the low key character within the Palace Grove.
16. Although it would not directly harm the fabric of the LBs, given my findings above, the proposal would cause harm to the setting of the heritage assets. This would negatively affect how the buildings are experienced. As a consequence, I find that the proposal would fail to preserve the special interest of the LBs. The proposal would also cause limited harm to No. 44 as a locally listed building.
17. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
18. For the above reasons, I conclude that the proposal would conflict with Policies 3, 4, 37, 38, 39 and 41 of the Bromley Local Plan (2019) and Policies D4 and HC1 of the London Plan (2021). Amongst other things, these policies seek to ensure that the historic environment is safeguarded from harm, the value and significance of conservation areas are maintained and new development is of a high standard of design and respects local character.
19. In failing to preserve the character and appearance of the CA and the setting of the LB, I find that the proposal would, in the words of the Framework, result in less than substantial harm to the significance of the designated heritage assets. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. The proposal would provide benefits such as making an efficient use of the site and contributing to local housing supply. The Framework seeks to significantly boost housing supply and emphasises the importance of small and medium sized sites. It also encourages the optimal use of

underutilised land. The appellant indicates that the unit would be wheelchair accessible, would incorporate bat bricks and a garden butt for rainwater harvesting and would re-use existing materials on-site. These matters weigh in favour of the development.

20. The development would have temporary economic benefits through the creation of construction jobs during the construction phase. The proposal's future residents would provide economic benefits through expenditure in local shops and services. Whilst limited due to the size of the proposal, these also weigh in favour of the development.
21. It has been put to me that the appeal proposal would also make optimum viable use of the site and that this would equate to a public benefit. However, based on the scale and nature of the development, the public benefits relating to this would be modest. They do not therefore outweigh the harm I have identified to the CA and the setting of the LBs and the great weight given to the conservation of designated heritage asset. The proposed development therefore conflicts with the provisions of the Framework in relation to conserving and enhancing the historic environment.

Other Matters

22. I acknowledge that the proposal may be compliant with various other provisions of the development plan, and would not, for instance, have a harmful effect on the living conditions of neighbouring residential occupiers. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
23. Whilst I note the letters in support of the proposal these did not contain any points that would lead me to a different conclusion overall.

Planning Balance

24. The Council accepts that it cannot demonstrate a five-year housing land supply at present. I note that the Housing Delivery Test 2023 also shows that the Council had delivered only 58% of its housing target at that time.
25. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 sets out that these policies include those relating to designated heritage assets. Given my findings in relation to the LBs and CA, there is a clear reason for refusing the development proposed and I am not required to apply the tilted balance in this respect.
26. Set against the harm identified there would be limited benefits associated with the proposal, such as making an efficient use of the site. One additional, one bed residential unit, for which there is unmet demand, weighs in the proposal's favour to which I have afforded moderate weight.
27. The identified adverse impacts of the development, in respect of the designated heritage assets are matters of a high order. Overall, I consider that the adverse impacts I have identified in this regard would demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

28. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR