

SECTION '2' – Applications meriting special consideration

Application No : 19/01888/FULL1

Ward:
Bromley Common And
Keston

Address : Chapter One Restaurant Farnborough
Common Orpington BR6 8NF

Objections: No

OS Grid Ref: E: 543014 N: 164968

Applicant : Mr Tony Reynolds

Description of Development:

Retractable awning over existing deck area, full-height fixed glazing along the front and sides of the deck, and replacement hedge planting to perimeter of terrace (Retrospective)

Key designations:

Conservation Area: Keston Park
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 14

Proposal

Retrospective permission is sought for the retention of a retractable awning over the existing deck area to this restaurant, full-height fixed glazing along the front and sides of the deck, and replacement hedge planting to the perimeter of the terrace.

The awning structure has been already installed and is 17.95m wide, 3.3m deep and 2.86m high (from the decking level) with an electrically operated retractable awning in acrylic material above. The front elevation consists of 4 fixed glazing sections and hinged double doors, with fixed glazing and hinged double doors also provided to the north-western side.

The application was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

This restaurant is located on the south-western side of Farnborough Common opposite the junction with Crofton Road, and lies at the northern edge of Keston Park Conservation Area.

The property is a two storey mock-Tudor building with distinctive roof dormers and some modern extensions. A decking area is provided to the front which overlooks a large car park.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

This application was called into committee by a Ward Councillor.

Comments from Consultees

APCA: The proposal is an unsympathetic addition to the existing building and disfigures this building in the Conservation Area.

Conservation Officer: This proposal was allowed on appeal in September 2019 and this overrules the previous heritage and urban design objections to the scheme as the Inspector felt that the structure was lightweight and would only have a minimal impact on the conservation area. No objections are therefore raised to the current proposals.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

Bromley Local Plan

37 General Design of Development

41 Conservation Areas

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG for Keston Park Conservation Area

Planning History

The relevant planning history relating to the application site is summarised as follows:

Permission was granted in 1996 (ref.95/02719) for a front entrance canopy and alterations.

Part retrospective permission was refused in March 2019 (ref.19/00272) for the installation of a retractable awning structure above the existing decking area to the front of the restaurant with full-height vertical glazing to the front and sides and an additional awning/smoking shelter to the side on the following grounds:

"The proposal, involving an unsympathetic design and materials covering a well composed front elevation at the ground floor level of the proposal property would have a significant and detrimental effect on the character of the host building and would cause harm to the character and appearance of the Conservation Area Keston Park, thereby contrary to Policies 37 and 41 of the Bromley Local Plan."

The subsequent appeal was allowed insofar as it related to the retractable awning roof structure covering the existing deck area and dismissed insofar as it related to the full height vertical glazing and double doors to the front and side elevations, and the awning/smoking shelter.

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Design
- Heritage Impact
- Neighbouring amenity
- Sustainability

Resubmission

The current proposals differ from the previously refused scheme in that the awning for the smoking shelter has been omitted. Additionally, metal planters with hedge planting have now been installed along the front of the deck and replace the previous hedging.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

In the previous appeal, the Inspector considered that the retractable awning structure, which had already been installed, allowed views of the ground floor of the building and views through the area covered by the canopy, and did not therefore have a harmful impact on the character and appearance of the host property or the Conservation Area. However, in relation to the fixed glazing and doors (which had not at that stage been installed), he considered that it would create the appearance of an extension to the building, and that views of the ground floor of the building would be obscured somewhat by the glazing that would, in certain light, appear reflective. He concluded that the structure would be solid in appearance and unsympathetic in terms of its design and that of the host property, and would therefore be detrimental to the character and appearance of the property and the Conservation Area. He therefore granted retrospective permission for the awning structure but refused permission for the fixed glazing and doors.

The current proposals are effectively for the retention of the glazing and doors of the awning structure which have now been installed. Photographs of the awning structure are available on the file, and Members may consider that despite the Inspector's concerns about the impact of adding glazing and doors to the structure

on the appearance of the building (which had not at that time been installed), the reality is that the glazing is not very visible in the street scene, and the impact on the character and appearance of the building is not so great as to warrant a refusal. The proposals are therefore considered to preserve the character and appearance of the Conservation Area.

Heritage Impact

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Due to the character, design, materials and siting, it is considered that the proposed development would preserve the character and appearance of the Conservation Area.

Neighbouring amenity

Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The nearest residential properties are some distance away from the property, and it is not therefore considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

Conclusion

Having had regard to the above, it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the host building or the Conservation Area, or the amenities of neighbouring properties.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION