



Appeal Decisions

Site visit made on 5 August 2013

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 August 2013

Appeal A: APP/G5180/A/12/2186452 Italian Villa, Elstree Hill, Bromley BR1 4JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Phoenix Community Housing Association against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/12/01008/FULL6, dated 28 March 2012, was refused by notice dated 11 July 2012.
 - The development proposed is repairs, alterations and refurbishment including conversion of outbuilding to bedroom and construction of new entrance lobby between outbuilding and villa to provide 3 bed residential unit and use of part of ground floor and first floor as offices/museum.
-

Appeal B: APP/G5180/E/12/2187644 Italian Villa, Elstree Hill, Bromley BR1 4JE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Phoenix Community Housing Association against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/12/01009/LBC, dated 28 March 2012, was refused by notice dated 11 July 2012.
 - The works proposed are repairs, alterations and refurbishment including conversion of outbuilding to bedroom and construction of new entrance lobby between outbuilding and villa to provide 3 bed residential unit and use of part of ground floor and first floor as offices/museum.
-

Decisions

1. I dismiss both appeals.

Application for Costs

2. An application for costs was made by Phoenix Community Housing Association against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Main Issues

3. These are the effect of the proposals on;
 - The character and appearance of the area and the listed building.
 - The living conditions of neighbouring residential occupiers with particular regard to privacy, noise and disturbance.

Reasons

Character and Appearance, and Listed Building

4. The building is a dwelling but it has been vacant for some years. It is clear that the building is in need of repairs and that a beneficial use would assist in its future upkeep. In addition, the painted room is of historic and artistic value and as with any heritage asset, access to the public is not essential, as they should be preserved for their own sake, but such access is of additional benefit.
5. The size and nature of the two new uses proposed would be limited and conditions could be attached regarding times and numbers. In the circumstances of the proposal and taking account of the benefits that would occur, it is concluded that the uses would not cause harm to the character and appearance of the area or to the interests of the listed building and would accord with the aims of Unitary Development Plan Policies BE1 and BE8, as well as the requirements of the National Planning Policy Framework, in respect of good design that relates to its surroundings, and on the preservation of heritage assets and their settings.

Living Conditions

6. The arrangement of the access to the building and its relationship with other dwellings is unusual when used as a dwelling. There is vehicular access to the garage and pedestrian access to the rear by way of a shared drive between Shelterdale and number 15. Shelterdale is built closely to the appeal building but at a lower level than its main habitable rooms, being at the level of the basement garage. This side of the appeal building would be the access for the proposed new dwelling formed out of parts of the ground floor, with a link constructed to form the entrance lobby and to give access to the new bedroom (G13). Whereas there is presently a split between two possible accesses to the dwelling, and the new arrangement would concentrate that residential access here, on balance the change would not be so great as to cause real harm. Any outlook from the offices would tend to be over the roof of Shelterdale.
7. On the east side however the full effect of the part change in use would be apparent. What is at present one of two pedestrian accesses to a residential use would become the sole access to the museum and to the office use. It is accepted that such uses may generally be carried out within a residential area without harm, but there are particular considerations with regard to this arrangement that give cause for concern in this instance. Number 13 is close to the appeal building and the latter is accessed by way of the verandah-style passage and steps that give a virtually uninterrupted, elevated view over the garden and parts of the house at number 13. The balcony and office windows on the upper floor would also give a similar, but higher view. Little could be done in either case to reduce the effect without detrimental works to the listed building.
8. That is the existing physical arrangement, but with use as a family house, there would be an acceptance of the situation involving a limited circle of the resident family that the adjoining occupiers would likely get to know, plus limited numbers and occasions of visitors. As the entrance to offices, and acknowledging that the use could be limited to four at any one time, with start and finish times also controlled, there could be a turnover of staff within that four, and the possibility of other visitors to both the offices and museum. The

latter may well be by appointment only and expected to be limited, but this may not be the case in the long term and workable conditions could be difficult to draft and enforce.

9. Added to concerns over the verandah and its possible use for congregating, smoking and the like, is the use of the upper floor. As a dwelling this would likely be a bedroom, from which overlooking would not be unusual but would be limited, whereas office use would be during the day and for a significant part of the day, but admittedly not at weekends.
10. The essential difference between this proposed use and the former family use just detailed is that it would be much less likely that the necessary relationship would be built up between a residential neighbour and transient office workers and visitors. An already less than satisfactory situation, but one that can be lived with, would risk becoming an unacceptable intrusion into the privacy of the residential neighbours.
11. It is unclear to what extent the over-grown garden area abutting number 13 would be given over to the residential use, which would not be unusual or unacceptable, or to the users of the office, which could cause closer and more direct harm, but discounting these doubts, the proposals would be contrary to Policy BE1(v) in not respecting the amenity of occupiers of neighbouring buildings.

Conclusions

12. The physical works to the building are acceptable, balanced with the need to carry out repairs and find a viable use for the building. The proposed change of use would not harm the character and appearance of the area and the interest of the listed building. However, the change in use of the upper floor and painted room, with access by way of the verandah and steps would cause unacceptable harm to the living conditions of the neighbouring residential occupier at number 13 Elstree Hill.
13. In the absence of acceptable proposals for the use, and hence the precise nature of any physical works, it is not possible to carry out the balancing exercised required under paragraph 134 of the National Planning Policy Framework. It would be inappropriate therefore to grant listed building consent alone in this instance. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR