

PROOF OF EVIDENCE

on behalf of

LONDON BOROUGH OF BROMLEY

Town and Country Planning Act 1990

Planning (Listed Building and Conservation Areas) Act 1990

Proof of Evidence Relating to Heritage Matters

By Dorian A. T. A. Crone BA BArch DipTP RIBA MRTPI IHBC
of Heritage Information Ltd

APPELLANT: Ringers Road Properties Ltd

APPEAL SITE: 2-4 Ringers Road and 5 Ethelbert Road, BR1 1HT

APPEAL REF: APP/G5180/W/24/3340223

LPA REF: DC/21/05585/FULL1

Contents

| | |
|---|----|
| Endorsement of Witness | 2 |
| 1 Qualifications and Experiences of Witness | 3 |
| 2 Introduction and Scope of Evidence | 5 |
| 3 Relevant Planning Policies and Guidance..... | 8 |
| 4 Baseline Appraisal: The Bromley Town Centre Conservation Area | 12 |
| 5 The Impact of the Appeal Scheme on the Setting of the Bromley Town Centre Conservation Area | 21 |
| 6 Policy Assessment | 28 |
| 7 Conclusion and Summary | 33 |

In a separate document:

Appendix 1: Contextual Maps

Appendix 2: Viewpoints referred to within the Proof

Appendix 3: The Building in Context Toolkit

ENDORSEMENT OF WITNESS

The evidence which I, Dorian Crone, have prepared and provide for this appeal (reference APP/G5180/W/24/3340223) in this proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions.

1 QUALIFICATIONS AND EXPERIENCES OF WITNESS

- 1.1. I have been a Chartered Architect and Chartered Town Planner for over 30 years and I have spent my professional career in conservation and historic buildings, in both the public and private sectors of the profession. I have also been a member of the Institute of Historic Building Conservation for 25 years, and until recently I was a committee member of The Society for the Protection of Ancient Buildings, the International Committee on Monuments and Sites (ICOMOS), ICOMOS UK, and I am currently a committee member of the Institute of Historic Building Conservation. I have been a court member with the Worshipful Company of Chartered Architects and a trustee of the Hampstead Garden Suburb.
- 1.2. I am Vice-Chairman of the City Heritage Society (former Chairman), a member of the City Conservation Area Advisory Committee and a panel member of the City of London Heritage Award. I am also chairman and a trustee of the Drake and Dance Scholarship Trusts, and a Scholar of the Society for the Protection of Ancient Buildings.
- 1.3. I worked for over 30 years as a Historic Buildings and Areas Inspector with English Heritage/Historic England, responsible for providing advice to all the London Boroughs, including the London Borough of Bromley, and both the City Councils. I have also worked as a consultant for over 20 years advising a wide variety of clients on heritage and design matters involving development work, alterations, extensions and new build projects associated with listed buildings and conservation areas in design and heritage sensitive locations. I have been called upon to provide specialist professional conservation and design opinion and evidence at many appeal hearings and public inquiries.
- 1.4. I am a Design Review Panel member of Design: South West and Design: South East, and the London Boroughs of Richmond upon Thames, Croydon, Lewisham and Wandsworth. I have also been a member of the Design Council and LB Islington Design Review Panel and have also been involved with the Royal Academy Summer Exhibition Architectural Awards, the Philip Webb Award, the John Betjeman Design Award along with a number other public sector and commercial design awards.
- 1.5. I set up Heritage Information Ltd ten years ago as a heritage and design consultancy. I work with a number of colleagues, each of who are independent and experienced heritage consultants, and as a team we have carried out innumerable heritage significance and characterisation appraisals, heritage impact assessments, and townscape and landscape visual impact assessments addressing the requirements of the National Planning Policy Framework (NPPF).

- 1.6. I have worked closely with my colleague Dr Daniel Cummins in the preparation of this Proof of Evidence. Daniel has a BA and Master's in History from Oriel College, Oxford and a doctorate from the University of Reading. Daniel has a Master's degree in the Conservation of the Historic Environment and is a member of the Institute of Historic Building Conservation. He has over 10 years' experience in providing independent professional heritage advice and guidance to leading architectural practices and planning consultancies, as well as for private clients and local planning authorities. Daniel has extensive experience in projects involving interventions to listed buildings and buildings and sites in conservation areas, providing detailed assessments of significance and impact assessments required for Listed Building Consent and Planning Permission, as well as in the preparation of expert witness statements for all types of appeal.

2 INTRODUCTION AND SCOPE OF EVIDENCE

- 2.1 This Proof of Evidence considers the heritage matters arising in the appeal by Ringers Road Properties Ltd against the London Borough of Bromley's ("LBB") decision to refuse Planning Permission for the development of 2-4 Ringers Road and 5 Ethelbert Road, London, BR1 1HT (the "Appeal Site").
- 2.2 In my capacity as a Heritage and Design Consultant, I was appointed by LBB to act as an expert witness in the appeal. Prior to my appointment, I reviewed the relevant documentation and considered that I was able to support LBB's reason for refusal relating to heritage matters.

The Proposals and Responses of Principal Consultees and LBB Officers

- 2.3 The "appeal scheme" is defined as the demolition of the existing buildings and the construction of two tall buildings on the site to provide a mixed-use development comprising 94 residential units with ancillary residential and commercial uses on the lower floors and associated landscaping (ref. DC/21/05585/FULL1). Block A would be located to the south part of the site addressing Ringer's Road and would extend to 14 storeys, with Block B to the north addressing Ethelbert Road rising to 12 storeys. The buildings are constructed using a concrete frame for the "base" at street level, a "middle" of red brickwork with articulation provided by vertical and textured brickwork detailing, metal panels and inset balconies, and the use of lighter materials to the stepped upper floor levels (top). Block A has a stepped 2-storey upper top stepped back from the east, and the top 2 storeys of Block B step back from the west; the upper floors present increased use of glazing and metal panels.
- 2.4 The proposals were subject to review throughout the pre-planning and planning process by Design: South East, the Greater London Authority ("GLA") as well as being subject to assessment by LBB planning officers. The following provides a brief summary of the commentaries provided by these consultees, to which I will be referring in this Proof of Evidence.
- 2.5 **Design: South East** made a review of the proposals as part of the pre-application process and issued an advice letter in April 2021 (CD3.1). Of relevance to my Proof of Evidence, the panel indicated that the larger scale of the built environment at Bromley South should not be used to justify greater height on the Appeal Site. The panel's view was later adopted within the Bromley Town Centre SPD (discussed below in relation to local character) that the character of Bromley South is very different from the High Street and Town Centre which forms the immediate context of the site (CD3.1, para. 2.1).

- 2.6 The **LBB Conservation Officer** made his response to the scheme following the submission of the application and was set out in the published Officer's Report for the Development Control Committee (CD3.3). The Conservation Officer found the proposals to be unacceptable in heritage terms, considering that "the over-dominant scale and massing of the proposed buildings would visually overwhelm the modest market town character of the Bromley Town Centre Conservation Area" and that "the proposal, alongside the existing and other emerging tall buildings in this location, including the allowed appeal scheme for the re-development at 66-70 High Street, would cause negative cumulative impact which would be against Historic England's guidance on the setting of heritage assets" (para. 6.5.13). It was the Conservation Officer's view that the resulting cluster of the high-rise buildings would cause "less than substantial harm" to the setting of the designated heritage asset (para. 6.5.15).
- 2.7 The **Greater London Authority (GLA)** made two reviews of the proposals. The Stage 1 advice letter (CD3.2) was issued in April 2022, when it observed that the Townscape Visual Impact Assessment (TVIA) submitted with the application (CD1.54) offered a very limited analysis given the likely visual impact that the development would have. Concerns were raised that the two blocks would coalesce as a single mass in the views (para. 45). More relevant to this Proof of Evidence, it was noted that the TVIA did not include any views within the Bromley Town Centre Conservation Area to show whether any harm would be caused; further views analysis was called for before harm could be determined (para. 51). The Stage 2 advice letter (CD3.5) was issued in December 2023 following the determination of the application by LBB. The GLA agreed with the LBB Conservation Officer in that the development would cause harm to heritage assets (the Bromley Town Centre Conservation Area) and determined that the public benefits would not clearly and convincingly outweigh that harm (paras. 50-51).
- 2.8 Local organisations (the **Conservation Area Advisory Panel** and the **Bromley Civic Society**) also lodged objections to the proposals based on the harm caused to the Bromley Town Centre Conservation Area (CD8.23 and CD8.24); the former raised particular concerns regarding the scale of the development and incongruous appearance from the Conservation Area.

Scope of this Proof of Evidence

- 2.9 The application was refused by LBB on 19 December 2023 following a Development Control Committee meeting on 30 November 2023 (CD3.6). The published Officer's Report (CD3.3) sets out the context for the reasons for refusal: Section 6 relates to design, scale and townscape, which includes the impact on the adjoining Bromley Town Centre Conservation Area. There were six reasons for refusal. Reason 3 relates to heritage matters to which this Proof of Evidence will respond:

3. The proposed development, by reason of its siting, height, scale, massing and appearance would appear as an over-intensive development within a confined site and would prejudice the development potential of the adjoining sites within the allocated Site 10 in the Local Plan. The proposal would appear as an overly dominant and overbearing addition to the town centre skyline and out of context with its immediate surroundings. The proposed development would therefore cause harm to the character and appearance of the area and fail to preserve or enhance the setting of the setting of the Bromley Town Centre Conservation Area, contrary to London Plan Policies D1, D3, D4, D7, D9 and HC1; Local Plan Policy 37, 42, 47, 48 and Site Allocation 10; Bromley Urban Design SPD and Bromley Town Centre SPD.

- 2.10 The scope of this Proof of Evidence will be to review the heritage issues as raised in the above Reason for Refusal 3 within the following structure:
- 2.11 **Section 2:** provides the background and scope of this Proof of Evidence, including a description of the appeal scheme relevant to townscape and heritage matters.
- 2.12 **Section 3:** outlines the policy and development framework which will be relevant to assessing the appeal proposals in terms of heritage impact, and sets out the methodological approach of this Proof of Evidence derived from national guidance documents.
- 2.13 **Section 4:** provides a baseline appraisal of the character and appearance of the Bromley Town Centre Conservation Area and the contribution that the setting of the Conservation Area makes to an appreciation and understanding of its significance, character and appearance. I will review both the existing and emerging context of the setting. This appraisal draws on my own assessment (made during a site visit undertaken on 30 May 2024) and LBB's guidance documents, and also reviews the Appellant's assessment contained in their documents submitted as part of the planning application.
- 2.14 **Section 5:** provides an assessment of the impact of the proposals on the setting of the Bromley Town Centre Conservation Area as stated by LBB in the third Reason for Refusal.
- 2.15 **Section 6:** assesses the conclusions of the previous section in relation to national, regional and local planning policy and guidance (as listed in Section 3). In particular, I will provide a review as to the level of harm to the Conservation Area ("less than substantial" as concluded by LBB) as per Section 16 of the NPPF.
- 2.16 **Section 7:** sets out the summary and conclusions of this Proof of Evidence.

3 RELEVANT PLANNING POLICIES AND GUIDANCE

3.1 The methodology adopted in this Proof of Evidence draws on the requirements and criteria as laid out in adopted regional and local planning policies, the National Planning Policy Framework, and national guidance relating to heritage matters. I will review these policies as they relate to the appeal scheme in Section 6 of this Proof of Evidence.

3.2 Whilst the settings of Conservation Areas are not protected in primary legislation (the Planning (Listed Buildings and Conservation Areas) Act 1990), the setting of a Conservation Area is a material consideration in local, regional and national planning policy. As a “designated heritage asset” under the NPPF definition, the impact of a development on the setting of a Conservation Area is subject to the tests for “substantial” and “less than substantial” harm.

Adopted Regional Policy

London Plan, 2021 (CD4.3)

3.3 Policy D3 “The Design-Led Approach” and “Quality and Character”, Policy D9 “Tall Buildings”, and Policy HC1 “Heritage, conservation and growth”.

Adopted Local Policy and Supplementary Planning Documents (SPD)

Bromley Local Plan, 2019 (CD4.1)

3.4 Policy 37 “General design of development”, Policy 42 “Development adjacent to a Conservation Area”, and Policy 47 “Tall and large buildings”.

3.5 The Appeal Site forms part of Site Allocation 10 ‘West of Bromley High Street and land at Bromley South’ (4.54 hectares in total) in the Local Plan for mixed uses including 1,230 homes, offices, retail and transport interchange.

Bromley Town Centre Area Action Plan, 2010 (CD4.2)

3.6 This document forms part of LBB’s local development framework and was intended to promote and enhance Bromley’s position as a metropolitan town centre. Since the adoption of the Local Plan in 2019, a number of the policies within the document were replaced and the area covered by the Action Plan is now subject to the policies contained within the Local Plan, including those relating to design and conservation. Furthermore, the London Plan (2021) has also superseded any potential tall building locations by nature of its design-led approach. A new SPD for Bromley Town Centre was adopted in

2023. Consequently, I understand that LBB has written to the Secretary of State to revoke the Town Centre Area Action Plan. The weight to be given to the Area Action Plan will be covered in the evidence of Karen Daye on behalf of LBB (CD10.2, para. 3.4), although I understand that it is LBB's position that the weight is very limited.

Local Authority Guidance Notes

- 3.7 Bromley Town Centre SPD, 2023 (CD5.2); Bromley Urban Design Guide SPD, 2023 (CD5.1); and Bromley Town Centre Conservation Area Statement, 2011 (CD5.5). These documents provide thorough and detailed baseline assessments relating to the townscape and heritage of Bromley Town Centre and I will draw on these assessments throughout this Proof of Evidence.

Other Material Considerations

National Planning Policy Framework (December 2023)

- 3.8 Relevant NPPF Policies to this Proof of Evidence are found in Section 16 "Conserving and Enhancing the Historic Environment".
- 3.9 Section 16 Paragraph 195 states that heritage assets are "an irreplaceable resource, and should be conserved in a manner appropriate to their significance". Paragraph 205 goes on to state that "great weight" should be given to the conservation of heritage assets "(and the more important the asset, the greater the weight should be)". The NPPF states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification" (paragraph 206). Where harm to a designated heritage asset is established, it will be necessary to prove there are benefits that outweigh the harm. Paragraphs 207 and 208 distinguish the level of harm between 'substantial' and 'less than substantial' harm, which will be determined by the circumstances of the case and ultimately, the decision-maker.
- 3.10 Following a detailed assessment in the following sections, this Proof of Evidence will ascribe the appropriate level of harm to the setting of the Bromley Town Centre Conservation Area and will form a judgment as to whether that level of harm can be outweighed by any public benefits which fall under the remit of my expertise (heritage benefits).

Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management (2019) (HEAN1) (CD8.20)

3.11 This document provides information on conservation area appraisal, designation and management, recognising the NPPF approach to conserving and enhancing heritage assets, and also the importance of historic areas in contributing positively to our quality of life, with local distinctiveness providing a “catalyst for regeneration” and inspiration for “well-designed new development” (para. 3). The document recognises that change is inevitable, but also emphasises that change should be managed in a way that conserves and enhances the character and appearance of historic areas (para. 5). It also refers to the importance of the setting of Conservation Areas, to which I will refer in this Proof; specifically, the way in which the setting of an area (the wider landscape or townscape in which the area is located) contributes to its special interest and allows its significance to be better appreciated (paras. 34 and 58).

Historic Environment Good Practice Advice in Planning Notes 3: The Setting of Heritage Assets (December 2017) (GPA3) (CD8.22)

3.12 This document provides guidance on managing change within the settings of heritage assets. The setting of a heritage asset is the surroundings in which a heritage asset is experienced. Elements of a setting may make a positive, neutral or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral (NPPF glossary). The guidance provides detailed advice on assessing the implications of development proposals and recommends a broad approach to assessment. For the assessment of Reason for Refusal 3 and the impact of the proposals on the setting of the Bromley Town Centre Conservation Area, I will use the staged methodological approach for assessing the impact of proposals on setting as set out Paragraph 19 of this guidance. This will include:

- Identifying the heritage assets to be affected by the appeal scheme. Only the Bromley Town Centre Conservation Area was identified by LBB in their third reason for refusal.
- Assessing the extent to which the setting of the Conservation Area contributes to its significance and/or allows its character and appearance to be better appreciated and understood.
- Assessing the impact of the appeal scheme on the setting of the Conservation Area and on the ability to appreciate and understand its significance, character and appearance, including the extent to which the design of the appeal scheme has minimised or avoided any harm to an appreciation and understanding of that significance, character and appearance of the Conservation Area.

Historic England Advice Note 4: Tall Buildings (March 2022) (HEAN4) (CD8.21)

- 3.13 This document seeks to guide people involved in planning for and designing tall buildings so that they may be delivered in a sustainable and successful way through the development plan and development management process. One of the factors which need to be considered to determine the impacts of a tall building on the historic environment includes visual considerations – defined as “the impact on the streetscape, town or cityscape and wider urban and rural landscapes, and views. This includes the setting of heritage assets” – and cumulative considerations, which are defined as “the combined impacts on heritage assets from existing, consented and proposed tall buildings” (para. 3.3). I will review the proposed development in relation to these considerations within this Proof.

The National Design Guide (January 2021) (NDG) (CD6.1)

- 3.14 The NDG is the national planning practice guidance for “beautiful, enduring and successful places”. It states that the components for good design are: the layout (or masterplan); the form and scale of buildings; their appearance; landscape; materials; and their detailing. Part 2 of the NDG focuses on what it terms the “ten characteristics”. Of particular relevance in this Proof is Characteristic 1: Context. This is defined as understanding the history of the area, the settings of heritage assets and the context of the site (appropriate form, appearance, scale, details and materials) in order that the proposal relates well to its surroundings. I will review the design of the development within this Proof as it impacts on the setting of the Bromley Town Centre Conservation Area against Characteristic 1 of the NDG.

The Building in Context Toolkit (2001)

- 3.15 The Building in Context Toolkit grew out of the publication Building in Context™ published by English Heritage and CABI (Design Council) in 2001. The purpose of that publication was to stimulate a high standard of design for development taking place in historically sensitive contexts. The founding and enduring principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal to fully understand context. I will review the design of the development within this Proof as it impacts on the setting of the Bromley Town Centre Conservation Area against the eight principles of the Toolkit, which are set out in Appendix 3 of this Proof of Evidence.

4 BASELINE APPRAISAL: THE BROMLEY TOWN CENTRE CONSERVATION AREA

4.1 This section provides a baseline appraisal in accordance with Steps 1 and 2 of GPA3 (CD8.22) and is what I consider to be a proportionate approach to assessing the impact of the appeal scheme on the setting of the Bromley Town Centre Conservation Area in accordance with the requirements of the NPPF (para. 200). I will firstly summarise the character and appearance of the Bromley Town Centre Conservation Area (the identified heritage asset affected by the appeal scheme); secondly I will describe the setting of the Conservation Area (taking into account the existing and emerging context), and the contribution of that setting to an appreciation and understanding of the significance, character and appearance of the Area. I will refer to the adopted guidance documents referred to above in Section 3 which are authored by LBB, as well as the relevant documents submitted by the Appellant at the application stage, particularly the visual baseline images included in Part 4 of the TVIA (CD1.54), as well as additional viewpoints submitted subsequently by the Appellant (CD1.46). I have included all viewpoints referred to in my assessment within Appendix 2 of this Proof for ease of reference. I have supplemented this information with a comprehensive site visit on 30 May 2024.

Summary Character and Appearance of the Conservation Area

4.2 The Bromley Town Centre Conservation Area Statement states that the original designation of the area in 1985 was centred on the historic core of the Market Square, which marks the crossing of the historic principal north-south and east-west routes through the hill top market town which, until the 19th century, remained a modest and largely rural settlement (CD5.5, p.13). The document subdivides the Area into seven areas which have their own distinct character, with the appeal scheme most likely to affect the High Street (central section), Market Square and Ravensbourne Valley character areas based on the location of the Appeal Site and the local topography (CD5.5, p.19). Maps of the character areas identified within the Conservation Area Statement and within the Town Centre SPD can be found in Appendix 1 of this Proof (Figures 2 and 3).

4.3 The High Street (central section) (CD5.5, p.21) is the closest character area to the Appeal Site and forms the southernmost tip of the Conservation Area to its boundary at the junction of the High Street with Elmfield Road. This part of the High Street has a bustling urban character comprising a fine-grained traditional shopping street which was pedestrianised during the early 1990s. There are regular markets and an abundance of street furniture including planters and benches. The main pedestrian flows are north-south, which provides framed views along the High Street looking towards the focus of the Market Square to the north and looking out the Conservation Area towards Bromley South to the south. The built

form is defined by a largely coherent traditional scale of buildings at 3 to 4 storeys, albeit with a mixed architectural language and style and varied roof forms. The modernist buildings on the west side (including the Churchill Theatre) are identified as distinctive landmark buildings because of their greater height and scale. The character of the area is illustrated in Viewpoints 12 and 13 of the visual baseline within the submitted TVIA, Part 4 (Figures 4 and 5 of my Appendix 2). I agree with the conclusion of the TVIA at 6.7 that this part of the High Street (identified as Local Townscape Character Area 1) has a high receptor sensitivity given its designation as a Conservation Area.

- 4.4 Although published in 2011, I consider the assessment of the Conservation Area Statement to still be an accurate description of the key attributes of the High Street (central section) character area. The Bromley Town Centre SPD was adopted in 2023 and reflects its description in the “Bromley West” area which broadly aligns with the character area identified in the Conservation Area Statement (ref my Appendix 1 Figure 3). The SPD recognises the established pattern of built form characterised by a lower well-structured urban edge of 3 to 4 storeys, but also noting that taller blocks (including the Churchill Theatre) are set behind the lower finer grain buildings (CD5.2, para. 7.7).
- 4.5 The Market Square is identified as a distinct character area in the Conservation Area Statement (CD5.5, p.22) as a continuation of the pedestrian precinct and sustaining the intimate traditional character of the High Street (central section).
- 4.6 The Ravensbourne Valley character area has an open/green semi-rural character which is reflective of the rural past of the town and its hill top location; these open green spaces are identified as making an important contribution to the Conservation Area (CD5.5, p.16). Views from the open spaces to the west, including Martin’s Hill and Queen’s Mead look towards the rising ground of the Town Centre with a number of landmark buildings visible within the Conservation Area, including the medieval parish church and the Churchill Theatre (CD5.5, p.23). These views are illustrated in Viewpoints 16 and 17 of the visual baseline within the submitted TVIA, Part 4 (Figures 8 and 9 of my Appendix 2). Based on the findings of a Historic Area Assessment undertaken in 2020, the boundary of the Conservation Area was extended in 2021 to include the residential houses on the south side of Queen’s Mead Road, which form a suburban foreground in these views looking towards the Town Centre on its elevated plateau.
- 4.7 Church House Gardens is also located within the Ravensbourne Valley character area. Located just to the west of the High Street, the gardens are described as an area of public open space which is extensively landscaped, and which have direct links to the pedestrianised High Street (CD5.5, p.17). The Town Centre SPD notes the gardens are a “unique green space” (CD5.2, para. 7.31). The north parts of the gardens are illustrated in Viewpoint 15 of the visual baseline within the submitted TVIA, Part 4

(Figure 7 of my Appendix 2). I agree with the conclusion of the TVIA at 6.7 that the gardens and open spaces to the west (identified as Local Townscape Character Area 4) have a high receptor sensitivity given their use, landscaped character and location within the Conservation Area.

The Setting of the Conservation Area

- 4.8 The Conservation Area Statement does not include any reference to the setting of the area and its contribution to an appreciation and understanding of the significance, character and appearance of the Area. That does not mean, however, that the surrounding townscape and landscape context does not contribute (positively, negatively or neutrally) to the ability to appreciate the distinctive attributes of the Conservation Area which provide it with its significance. It is noteworthy that the Appellant's TVIA, whilst recognising the high receptor sensitivity of defined character areas within the Conservation Area, makes no assessment of the setting of the Conservation Area despite its proximity and contribution to the wider townscape context of the appeal site, and also despite the recommendation and need to do so made by the GLA in their first stage advice (CD3.2, para. 51). Indeed, I find it surprising that no heritage assessment (either in the form of a Heritage and Townscape Visual Impact Assessment, or a Heritage Statement) was made at application stage in accordance with the best practice approach advocated by the NPPF (para. 200).
- 4.9 Although aspects of the setting, which I set out below, are included in a number of the views provided to illustrate the visual baseline within Part 4 of the TVIA, the textual analysis contained within Section 15 (CD1.54, Appendix 3) which relates to those viewpoints is focused on presenting a context defined by tall buildings and does not include any assessment of the setting of the Conservation Area. Given that is agreed that the appeal scheme constitutes a tall building in policy terms and is therefore subject to the tall buildings policies and guidance I set out in Section 3 above, I find it surprising that there appears to have been little if any attempt at pre-application stage and through the design process to gain an early understanding of the significance of the Conservation Area, including the contribution made by its setting in accordance with national guidance (CD8.21, para. 5.3).
- 4.10 The aspect of the setting of the Conservation Area affected by the appeal scheme is to the south and south-west of the High Street (central section) and Market Square character areas, and to the south-east of the Ravensbourne Valley character area (ref. Appendix 1 of this Proof for contextual maps). A fuller assessment of the local context is set out in the proof of Amanda Reynolds on behalf of LBB (CD10.3, Section 3).

- 4.11 GPA3 observes that the contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, from, across, or including that asset (CD8.22, para.10). In relation to assessing the impact of tall buildings on heritage assets, HEAN4 states that “Townscape and landscape can be enlivened by views which are integral to how the historic environment is experienced and draws visitors, so it is important to understand the significance they have” (CD8.21, para. 4.8). In relation to the setting of the Bromley Town Centre Conservation Area as experienced from the character areas discussed above, I will refer to a number of viewpoints – static and kinetic – which I consider to be important in illustrating how the character and appearance of the Conservation Area is experienced. Kinetic views allow a more experiential representation of the experience of a heritage asset by indicating how moving through a place can change an appreciation and understanding of its character, appearance and setting – this is particularly relevant for understanding the pedestrian experience on the High Street.
- 4.12 The character and appearance of the High Street is experienced statically from the benches within the pedestrianised zone and also kinetically moving southwards with the pedestrian flow from the Market Square towards the boundary of the Conservation Area at the junction of Elmfield Road. Two viewpoints have been illustrated by the Appellants in their visual baseline assessment of the TVIA, Part 4 (Figures 4 and 5 within my Appendix 2), but unfortunately neither were assessed in that document by the provision of VuCity images. These are static views, but together I consider them to amount to a kinetic experience which illustrates the pedestrian flow south along the High Street from the Market Square (and core of the Conservation Area) towards the southern boundary at Elmfield Road.
- 4.13 The views, whether static or kinetic from the pedestrianised High Street, illustrate how the character and appearance of this part of the Conservation Area is most often experienced. The views also provide a framed aspect looking out of the Conservation Area southwards along the southern part of the High Street towards Bromley South, providing a wider setting which is discernibly more urban in character than the Conservation Area, but which does not encroach into the immediate setting. Whilst the views looking south out of the Conservation Area include the 10-storey Henry House with its distinctive “cocked hat” roof form which appears set back behind the High Street frontage, I consider it to be an isolated backdrop building which does not rise directly above the traditionally-scaled buildings on the pedestrianised area of the High Street within the Conservation Area (Figures 4 and 5 within my Appendix 2).

- 4.14 Notwithstanding the presence of Henry House in the more immediate setting, the wider setting towards Bromley South is legibly more urban in character and scale. The Town Centre SPD highlights that Bromley South has a very different character to the High Street and the town centre (CD5.2, para. 7.11), which was also observed by Design: South East in their 2021 review (CD3.1) and which I consider is readily legible. The SPD places Bromley South in its own distinct character area which is characterised as having varied building heights ranging from 3 to 6 storeys, but with tall buildings of up to 19 storeys at St Mark's Square (CD5.2, para. 5.19). As noted in the Appellant's TVIA, these tall buildings mark transport interchanges and points of arrival and are therefore of some importance in townscape terms (CD1.54, para. 6.3).
- 4.15 I agree with the Appellant's assessment (CD1.54, para. 1.4) that these taller buildings at Henry House and at Bromley South are part of the setting of the Conservation Area as experienced from the High Street, but I consider them to be largely unobtrusive backdrops or more distant focal endstops marking important townscape locations which do not rise or loom directly above the traditionally-scaled buildings of the High Street. There remains open sky (perceptible gaps and visual breathing spaces over the varied roofscape) as the viewpoints move from the Market Square towards the south end of the pedestrianised area and the south boundary of the Conservation Area. I therefore consider that the existing taller buildings within the setting of the Conservation Area do not compromise an appreciation and understanding of its distinctive character and appearance. Rather the perceptible sky, gaps and visual breathing spaces above the roofscape of the High Street reinforce an experience of the prevailing traditional low-rise scale of the 2 to 4-storey built form which characterises the High Street (central section) character area as opposed to larger-scaled urban built form at and towards Bromley South.
- 4.16 At the southern boundary of the Conservation Area, experienced from the pedestrian crossing across Elmfield Road, westward views across the valley (Viewpoint 4 of the visual baseline within the Appellant's TVIA, Part 4, and Figure 6 in my Appendix 2) illustrate the low-rise residential character of the townscape to the west and the treed suburban townscape beyond, which I consider sustains an appreciation of the historic semi-rural setting of the Conservation Area and its historic hill top setting with no visual influences of tall buildings.
- 4.17 I now turn to the setting of the Conservation Area as experienced from the landscaped and open areas to the west of the High Street – the Ravensbourne Valley Character Area (ref. Appendix 1, Figure 2). Church House Gardens presents a largely enclosed setting owing to the density of the tree planting, but even during the summer months (observed during my site visit in May), there are glimpses out of the Conservation Area to the south (Figures 7 and 16a within my Appendix 2). The Town Centre SPD

describes the sensitivity of the setting as experienced from the gardens to the south and west is due to the sense of perceptible openness created by the low-rise urban or suburban edge (CD5.2, para. 7.31). The upper storeys of Henry House on Ringers Road can be glimpsed through the trees during the summer months, but it is more visible for at least 6 months of the year during the winter months when the trees are not in leaf. I do not find such glimpses to be particularly obtrusive given its visual isolation, but I recognise and agree with the sensitivity of this aspect of the setting as highlighted in the Town Centre SPD given the quality of this landscaped character of this public open space off the High Street and its positive contribution to the character and appearance of this part of the Conservation Area.

4.18 The mid-range views from the open spaces to the west side of the Conservation Area also reveal the contribution of its setting (Viewpoints 16 and 17 of the visual baseline of the TVIA, Part 4 included in Figures 8 and 9 of my Appendix 2). As noted above, these open green spaces make a positive contribution to the character and appearance of the Conservation Area, emphasising the historic rural/semi-rural context of the hill top market town with its later suburban fringe extending westwards into the valley. The topography and number of trees make for a varied roofscape and skyline in these views, but it is largely characterised by traditionally-scaled buildings and coherent roof forms. Indeed, I do not accept that there is a transition from a residential scale in the foreground to taller massing in the background in the Town Centre as claimed in the Appellant's TVIA (CD1.54, para. 7.23). Whilst there are taller buildings located outside the Conservation Area to the south which break the skyline (in particular the St Mark's Square development and Henry House at 19 and 10 storeys respectively), these appear visually isolated and do not detract from an appreciation of the largely low-rise scale and traditional forms in the suburban context which contributes positively to an appreciation and understanding of the character and appearance of the Conservation Area.

4.19 For these reasons, I consider that the setting of the Bromley Town Centre Conservation Area as experienced in views from the High Street, Church House Gardens and from the open spaces to the west, makes a positive contribution in enabling an appreciation and understanding of the significance, character and appearance of the Conservation Area. In contrast to the Appellant's TVIA, which suggests that the presence of existing tall buildings provides the context for additional height and scale immediately to the south of the Conservation Area (CD1.54, paras. 7.18 and 7.23), I consider that the static and kinetic views discussed here illustrate the importance of the setting (which is largely unimpeded by tall buildings apart from a few isolated landmark examples in important townscape locations) in being able to appreciate and understand its character and appearance.

The Emerging Context

- 4.20 The setting of the Conservation Area is undergoing change within its immediate and wider context beyond the taller and larger scale buildings already noted to the south and south-west. This emerging context is changing the baseline as set out above, but I consider that it is not overwhelming or compromising an experience of the character and appearance of the Conservation Area either from the High Street or from the open spaces to the west.
- 4.21 The Appellant in their application submissions and Statement of Case makes extensive reference to the emerging context as providing a justification for the scale and height of the appeal scheme within the setting of the Conservation Area (CD1.54, para. 11.24, CD9.1, para. 6.43). The schemes referred to at application stage include a development of up to 16 storeys on the west side of the High Street (the Churchill Quarter) that was withdrawn in 2023, and also a masterplan of the future development of Site Allocation 10 of the Local Plan which shows the appeal site in an area including buildings of up to 14 storeys. The Bromley Town Centre Area Action Plan is also cited by the Appellant in that the appeal site is located in an Opportunity site which offers the potential for taller buildings. It is not within the remit of this Proof to assess the planning weight and status of any conjectural schemes, unadopted masterplan or the Area Action Plan (these will be dealt with by another expert witness acting on behalf of LBB) but I understand that they are considered by LBB to carry no planning weight due to their hypothetical nature (CD3.3, paras. 5.9 and 6.4.27), or only very limited planning weight in the case of the Area Action Plan (CD10.2, para. 3.4). Therefore I do not consider them to be of relevance in assessing their contribution to the baseline setting of the Conservation Area.
- 4.22 I understand there to be two consented schemes which will have an impact on the baseline setting of the Conservation Area: 62 High Street and 66-70 High Street. These schemes are illustrated in VuCity images which have been provided by the Appellant (CD1.46 and relevant views are included within my Appendix 2). The first of these consented schemes, at 62 High Street, is on the west side of the High Street to the south of the appeal site and provides a 3-storey roof extension to the existing building to create a 6-storey building. Based on the scale of the surrounding buildings, the falling topography and the stepped form of the extension, I consider this consent will have little if any material impact on the ability to appreciate and understand the character and appearance of the Conservation Area as experienced in framed views from the pedestrianised area north of the junction with Elmfield Road (Figures 13a and 14a as illustrated in my Appendix 2).
- 4.23 The consented scheme at 66-70 High Street will certainly have more of an impact on the setting of the Conservation Area, but one which I do not find harmful to an appreciation and understanding of its

character and appearance. Located opposite the southern boundary on the corner of the High Street and Ethelbert Road, the consented scheme will provide a 12 storey building set behind the retained 1930s frontage to the High Street. The scheme was refused by LBB, but was allowed at appeal. The Inspector's decision considered the impact on the setting of the Conservation Area and the contrast in scale, but the scheme was allowed because of a number of mitigating factors which are specific to the site at 66-70 High Street: the retention of the 1930s façade provided "visual integration" at street level (CD7.1, paras. 13 and 16); this is a corner site of high townscape value at a prominent townscape location which could accommodate a taller building (CD7.1, paras. 9 and 16); and the stepping back behind the retained frontage made it visually recessive in views looking out of the Conservation Area (CD7.1, para. 14). The Inspector noted that at 12 storeys, the building would not be perceptibly taller than the 10-storey Henry House on Ringers Road, which already formed part of the visual context in views south out of the Conservation Area (CD7.1, para. 14).

- 4.24 The addition of the consented 12-storey building can also be seen in the VuCity images which have been provided by the Appellant (CD1.46) and are included in my Appendix 2. Of particular relevance for understanding its relationship with the Conservation Area are the "original" Viewpoints A, E, H, M, O, P and Q. The consented building will form the tallest building within the Town Centre and falls within the immediate setting of the Conservation Area. In the views from the open spaces to the west (Figures 10a and 11a in my Appendix 2), the building will make a further discernible break in the skyline above the varied largely traditionally scaled roofscape, although I agree with the Inspector that the narrowness of the footprint makes for a slender addition which, although clearly a statement building, is not considered cumulatively with other existing taller buildings to harm an appreciation of the character and appearance of the Conservation Area – its isolation minimises its visual impact. In the view from the south end of the High Street (Figure 12a in my Appendix 2), the additional height and scale sits behind the retained 1930s street frontage and sustains westward views across the valley which contribute positively to the setting of the Conservation Area as detailed above.
- 4.25 The consented building will have minimal visual impact as experienced from Church House Gardens (Figure 16a in my Appendix 2) given its oblique siting and partial screening behind existing built form.
- 4.26 In the three views from the locations on the High Street (Figures 13a, 14a and 15a of my Appendix 2), the consented building will not be over-bearing and it will only be of a perceptibly greater height and scale rising above the roofline of the Conservation Area at the far south end of the Conservation Area. It will still largely form a visual backdrop and endstop in the case of Viewpoint Q (Figure 15a) where it will form a focal point at the gateway to Bromley South and there will still remain significant gaps and visible

sky to sustain an appreciation of the varied roofscape and traditional low-rise scale which characterises the Conservation Area as experienced along the High Street. Given the prominence of the corner location evident in Figures 12a to 15a, the retained 1930s frontage would visually ground the building in its context (as noted by the Inspector), whilst the set back additional height and scale in this position could be said to form a gateway building marking the transition between the Conservation Area and Bromley South – two very distinct character areas as set out in the Town Centre SPD. This is also the opinion of Amanda Reynolds in her assessment of the context (CD10.3, para. 4.2.3).

- 4.27 It is noteworthy that the Inspector dismissed a concurrent appeal for a building of 14-16 storeys on the same site (the present appeal scheme is for 14 storeys on Block A on a far less prominent site in townscape terms); the taller scheme was dismissed because there was not the same level of integration to mitigate the juxtaposition of scale with the Conservation Area and would cause harm by nature of its height and providing a less visually cohesive built environment (CD7.1, paras. 17 and 18).

Conclusion

- 4.28 For the reasons set out above, I consider that the setting of the Bromley Town Conservation Area makes a positive contribution to the ability to appreciate and understand of its significance, character and appearance: reinforcing an appreciation of the coherent low-scale built form and varied roofscape of the pedestrianised High Street as a traditional shopping street; sustaining the historic semi-rural setting of the hill top town in views across the suburban townscape to the west from the southern tip of the Conservation Area; sustaining the attractive landscaped public space of Church House Gardens with minimal perceptible urban influences; and sustaining an appreciation of the varied roofscape, traditional scale and topography of the Town Centre as an historic hill top market town in views from the open spaces to the west. These are positive aspects of the setting of the Conservation Area which reflect those “contributors to character” listed within Historic England guidance (CD8.20, para. 59).
- 4.29 The existing taller buildings outside the Conservation Area to the south (which define the very different character area of Bromley South) are not considered to compromise these positive aspects of the setting. I accept that there will be change brought about by the 12-storey consented scheme at 66-70 High Street (indeed Conservation Areas and their settings are not static places), but I do not consider that the consented scheme, despite the juxtaposition in scale and height, to harm the ability to appreciate and understand the character and appearance of the Conservation Area as experienced through its setting.

5 THE IMPACT OF THE APPEAL SCHEME ON THE SETTING OF THE BROMLEY TOWN CENTRE CONSERVATION AREA

- 5.1. This section provides an assessment of the impact of the proposals on the setting of the Conservation Area as described in the previous section in accordance with Steps 3 and 4 of GPA3 (CD8.22). I will present my assessment with reference to the relevant viewpoints provided by the Appellant (CD1.46) and which I have also included in my Appendix 2.¹ Although none of these views are identified as locally significant in any adopted planning document, they nevertheless illustrate how the character and appearance of the relevant character areas of the Conservation Area is most readily experienced as I have described in Section 4.
- 5.2. The Appellant's submitted TVIA assessed the visual impact of the appeal scheme based on a hypothetical emerging context, particularly with reference to the Churchill Quarter and Masterplan which I understand to have minimal if any weight in planning terms (I defer to other expert witnesses acting on behalf of LBB in this regard); this led to misinformed conclusions as to the extent of the impact of the appeal scheme, in particular that "The Proposed Development would form part of this taller massing and therefore its perception would be lessened in comparison to the existing baseline" (CD1.54, Appendix 6). I consider that by removing any hypothetical emerging context from the assessed viewpoints, as has now been undertaken in the updated viewpoints (CD1.46), the impact of the appeal scheme on the setting of the Conservation Area is perceptibly greater.
- 5.3. Viewpoints H, M, O and Q reveal that the appeal scheme would be an increasingly visible addition in kinetic viewpoints from the High Street - the viewpoints together amount to a kinetic experience from the historic core of the Conservation Area at the Market Square (Viewpoint Q – Figure 15 of my Appendix 2) morning southwards down to the Conservation Boundary at the junction with Elmfield Road (Viewpoint H – Figure 12 of my Appendix 2). Unlike the slender proportions of the consented building at 66-70 High Street, the two blocks on the appeal site would coalesce to a single massing which would infill a significant proportion of sky above the west side of the High Street in Viewpoints M, O and Q (Figures 13b, 14b and 15b). Rather than appearing as a single "statement" building which marks the gateway between the Conservation Area and the very different character to the south as suggested in the Appellant's TVIA (para. 10.16) – I suggest that role has now been appropriately taken by the consented 66-70 High Street - the appeal site is far less prominent or significant in its position set back on the

¹ These viewpoints have been provided by the Appellant at the request of LBB. The TVIA which was submitted with the application was not updated after August 2021 to illustrate later amendments to the scheme and continued to show hypothetical elements within the baseline that did not provide an accurate representation of the likely impact of the appeal scheme. I have not therefore referred to the 'as proposed' VuCity views included within the submitted TVIA.

western slopes (confirmed by the Design: South East review, para. 1.1). I do not therefore consider that a 12 to 14-storey development is a credible approach for the appeal site in terms of its likely impact on the setting of the Conservation Area – particularly given a scheme for 14-16 storeys at 66-70 High Street was dismissed at appeal for its likely harm caused to the Conservation Area.

- 5.4. Whilst broadly reflecting the materiality of the Conservation Area in its use of brickwork, the appeal scheme would introduce an intensely urban character and scale behind the High Street frontage (more akin to the character of Bromley South) that looms as a wall of development above the varied roofscape and traditionally-scaled buildings at the south end of the pedestrianised area where the character and appearance of the Conservation Area can be experienced statically and kinetically. The appeal scheme does not therefore reinforce the character of the Town Centre comprising individual taller elements behind the street frontage (as set out in the Town Centre SPD, para. 7.7) because it would not sustain the isolated arrangement of the existing taller elements which do not compromise the setting of the Conservation Area. This isolated arrangement allows gaps, visual breathing spaces and views of sky experienced within static and kinetic views along the pedestrian flow of the High Street from the Market Place southwards, which I consider to be important in reinforcing an appreciation of the coherent and traditional scale of the built form on the High Street and its character as a traditional shopping street of a market town. Rather the appeal scheme would provide a greater massing and inappropriate urban scale of development that would obscure such gaps and visual breathing spaces above the varied roofscape (Figures 13b to 15b in my Appendix 2). I do not therefore consider that the emphasis which the Appellant places on the appropriateness of setting back taller elements back from the street frontage (Statement of Case, para. 6.47) to be a relevant justification in this case for a 12-14 storey building on the appeal site.
- 5.5. The appeal scheme will appear as more than just a backdrop building as experienced in views from the High Street - unlike the existing setting, which includes isolated taller elements such as Henry House and the taller buildings in Bromley South, or a well-considered gateway building as consented at 66-70 High Street. Regardless of the lower relationship in terms of height with the consented scheme at 66-70 High Street (cited by the Appellant in their Statement of Case - CD9.1, para. 6.43), the appeal scheme will introduce a dense cluster of tall urban development that rises above the roofscape of the traditionally scaled 2 to 4-storey buildings which define the character and appearance of the Conservation Area experienced in static and kinetic views, and which the declining topography to the west and comparatively lower height than 66-70 High Street do little to mitigate (Figures 12b to 15b in my Appendix 2). Therefore I do not consider that the appeal scheme will complement or form a comfortable part of the existing arrangement of taller buildings (as claimed in the TVIA, CD1.54, para. 10.60).

- 5.6. Furthermore, the combined massing of the two blocks with the somewhat austere flank east elevations (the textured brickwork detailing of which will not be readily visible from any distance within the Conservation Area) will have a bulky appearance that will form a visually and architecturally dominant new addition to the skyline (Figures 13b to 15b in my Appendix 2). The stepping down in height of Block B from Block A does little to mitigate the perception of a single massing and dominant scale relative to the Conservation Area and, at the proposed heights, I do not accept is a positive response to the Conservation Area as claimed in the Appellant's TVIA (CD1.54, para. 10.17). This is also the opinion of Amanda Reynolds in her assessment of the context (CD10.3, para. 4.5.4). I consider that the appeal scheme would detract from an appreciation of some of the key attributes of the High Street (central section) character area - notably the coherent scale of the built form and varied interesting roofscape which provides the pedestrianised area with its character as a traditional shopping street - by introducing an inappropriate cluster of urban massing within its immediate setting as experienced in both static and kinetic views. I do not therefore agree with the conclusion of the Appellant's TVIA that the impact on the Bromley Central character area (which covers the pedestrianised section of the High Street within the Conservation Area) is beneficial in nature, nor that the effect would ultimately be negligible, particularly as the "future baseline scenario" against which the proposals were assessed is not relevant or very limited in terms of planning weight (CD1.54, para. 12.24).
- 5.7. At the southern boundary of the Conservation Area at the junction with Elmfield Road, Viewpoint H (Figure 12b in my Appendix 2) reveals that the appeal scheme would also block any appreciation of the open suburban setting of the Conservation Area across the valley to the west. As set out in Section 4 above, I consider this aspect of the setting to be important because it sustains an appreciation of the historic hill top topography of the market town and its semi-rural (and later suburban expansion) setting to the west. In selecting appropriate sites for tall buildings, guidance states that setting can include contextual elements which deal with the relationship of an asset to its surroundings both in the present and in the past (CD8.21, para. 4.8). I consider that the consented scheme at 66-70 High Street will not compromise this historic relationship with reference to Figure 12a. GPA 3 observes in relation to the impact of cumulative change within the setting of a heritage asset "Negative change could include severing the last link between an asset and its original setting" (CD8.22, para. 9). This aspect of the original setting and historic relationship between the Conservation Area and its wider context will no longer be legible at the southern boundary of the Conservation Area as a result of the appeal scheme in terms of its height and scale and architecturally austere flank east elevation (Figure 12b), and so this compromised setting will detract from an experience of the character and appearance of the Conservation Area.

- 5.8. In terms of the impact on the setting of the Conservation Area as perceived from Church House Gardens (Ravensbourne Valley character area), Viewpoint P (Figure 16 in my Appendix 2) illustrates the visual impact from an area of the Conservation Area acknowledged to have a high receptor sensitivity in the TVIA (CD1.54, para. 6.7). I accept that the gardens are enclosed by dense planting but, as I observed in Section 4 above, there are glimpsed views of the townscape context throughout the year, but particularly so during the winter months when the trees are not in leaf. Whilst I agree with the Appellant that there would be no change to the vegetated character or recreational land use of the gardens (CD1.54, Appendix 6), I do not accept the appearance of the appeal scheme as one of a number of tall buildings would cause “no change” to the setting as experienced from this part of the Conservation Area. Development on the urban edge of the gardens has the capacity to affect the experience of the users of the gardens in relation to the wider setting that currently comprises minimal perceived urban influences, and therefore also the setting of the Conservation Area. The Town Centre SPD states that it is important that the sensitivity of the setting of the gardens is reflected in the scale, type and architectural approach of any future development proposals (CD5.2, para. 7.31).
- 5.9. The appeal scheme may only be partially visible owing to the screening provided by trees, but Viewpoint P (Figure 16b in my Appendix 2) illustrates that the height, scale and massing looming above the low-rise residential buildings on the suburban edge at Ethelbert Close would increase the intensity of urban development in close proximity to the gardens, thereby compromising their existing perceptibly more open and suburban setting to the south. GPA3 is clear that screening (in this case the trees) ought never to be regarded as a substitute for well-designed developments within the settings of heritage assets (CD8.22, para. 40). GPA3 also requires seasonal change to be considered when assessing impacts (CD8.22, Step 3 Checklist, p.13), which in this case would reveal more of an intensely urban backdrop to the south for at least 6 months of the year as a result of the appeal proposals, thereby compromising an experience of the character and appearance of this part of the Conservation Area.
- 5.10. The setting of the Conservation Area as experienced within the Ravensbourne Valley character area will also be affected by the appeal scheme in views from the open space from the west (Figures 10b and 11b in my Appendix 2). It is from these positions within the Conservation Area that the historic topographical setting of the Town Centre can be best appreciated and understood, together with the largely coherent scale and form of the later suburban built form on the lower western slopes and the landmark status of the Churchill Theatre on the west side of the High Street. As set out in Section 4 above, I do not consider that the consented 12-storey building at 66-70 High Street will have a detrimental impact on the setting of the Conservation Area as experienced in these mid-range views. Indeed, I consider that it is the visual isolation of the taller buildings as seen in mid-range views from the west that minimises their visual

impact on the setting of the Conservation Area. I consider that there is therefore no need to add visual context to the 12-storey consented scheme at 66-70 High Street (as claimed in the Appellant's Statement of Case - CD9.1, para. 6.45) by reinforcing an intensely urban scale and massing immediately to the south of the Conservation Area.

- 5.11. In Viewpoints A and E, the appeal scheme will not be discernibly different in height than either 66-70 High Street or the St Mark's Square development despite the stepped profile of the upper storeys and the sloping topography. Rather from Viewpoint E in particular (Figure 11b in my Appendix 2), the appeal scheme will present a greater more unforgiving bulk, scale and single mass of wider proportions than any of the existing isolated tall buildings; in both viewpoints it will add a further tall (and bulkier) element that breaks the skyline and looms over the traditional built form of the Conservation Area in the foreground as seen across the open spaces. This will not just be the more visually lightweight "tops" of the two blocks (the upper two storeys), but also the greater visual bulk and mass of the brickwork "middle" and the somewhat plain and austere flank west elevations.
- 5.12. In Viewpoint E (Figure 11b), the appeal scheme will infill a wide existing gap in the skyline to create the impression of a continuous wall of urban development, detracting from the largely coherent traditional roofscape of the Conservation Area which follows the contours of the sloping topography as appreciated in this view. The tall building does not therefore have a positive relationship with the local topography and with the Conservation Area and its setting as seen from this important open space and as required in guidance for tall buildings (CD8.21, para. 5.4). Whereas the 12-storey consented scheme at 66-70 High Street marks the point of transition at the southern gateway to the Conservation Area with a slender footprint as a "statement" building, the appeal scheme cumulatively brings the height and scale of Bromley South (an area of very different character as confirmed in local character studies) right up to the boundary of the historic core of the town centre and the Conservation Area. I do not therefore accept the conclusions of the Appellant's TVIA that there would be no change and a minor beneficial visual effect as experienced in mid-range views from the open spaces to the west (CD1.54, para. 12.31).
- 5.13. The case of the Appellant in relation to the impact on the setting of the Conservation Area relies heavily on the consented scheme at 66-70 High Street to the point where they find the Council's objection in heritage terms "spurious and completely unsustainable" (CD9.1, para. 6.47). This does not take into account the best practice approach set out in GPA3 in relation to cumulative impact, which states that even when previous development has taken place within the setting of a heritage asset, "to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset" (CD8.22, para. 9).

5.14. As set out in Section 4, I consider that the 12-storey consented scheme at 66-70 High Street is not harmful to the setting of the Conservation Area despite introducing a greater height and scale within its immediate setting. This is because of a set of mitigating circumstances relevant to that particular site and design which I set out above - in that case, visibility does not equate to dominance (as stated by the Appellant in their Statement of Case – CD9.1, para. 6.44). The same mitigating circumstances do not apply to the appeal site in terms of providing an appropriate visual relationship with the Conservation Area. Indeed, I consider that the cumulative impact of the appeal scheme when viewed alongside 66-70 High Street and other existing taller buildings as experienced in the viewpoints included within my Appendix 2 looking from within and out of the Conservation Area compromises an appreciation and understanding of its character and appearance by introducing a visually intrusive urban cluster, which is dominating in its scale and massing within the immediate setting of the Conservation Area. I therefore consider that the consent at 66-70 does not in itself provide a justification for the height and scale proposed in the appeal scheme, because this cumulative change at the proposed heights and scale of the two blocks on the appeal site relative to the context as illustrated in the viewpoints described above will detract from an experience of the significance, character and appearance of the Conservation Area.

Conclusion

5.15. Based on the above assessment, I consider that LBB's case relative to the impact on the setting of the Bromley Town Conservation Area is neither "spurious" nor "completely unsustainable" as claimed by the Appellant in their Statement of Case (CD9.1, para. 6.47). Indeed, I consider that the appeal scheme would have a tangible visual impact on the setting of the Conservation Area and the ability to appreciate and understand its significance, character and appearance as experienced from the High Street and Ravensbourne Valley character areas. Whilst visibility is not necessarily harmful in itself (as demonstrated by the consented scheme at 66-70 High Street), in this case I consider that the inappropriate height and scale of the appeal scheme, its massing, visual coalescence and resulting bulky appearance as experienced cumulatively with other tall buildings from the High Street, Church House Gardens and from the open spaces to the west, which is not relieved by either the topography or the design, compromises the ability to experience the character and appearance of the Conservation Area. The Conservation Area Statement notes that out of scale development is a threat to the Conservation Area (CD5.5, para. 31) – whilst the document refers primarily to development within the Conservation Area, I consider it to be equally relevant to threats within the immediate setting.

5.16. The appeal scheme will introduce an unforgiving bulk, scale and mass that cumulatively with the existing and consented taller buildings (which in isolation I do not consider to be detrimental) will form an

inappropriately intense urban edge to the Conservation Area that would be highly visible from character areas of high sensitivity (as acknowledged by the Appellant in the TVIA). I do not therefore accept the conclusions of the Appellant's TVIA in relation to the relevant character areas and views that there would be minimal or no change and that any change would be beneficial in townscape terms (CD1.54, paras. 12.23, 12.24 and 12.28) – particularly where that alleged benefit is based on a hypothetical baseline and unquestioning reliance on the height of the neighbouring consented scheme at 66-70 High Street.

- 5.17. I consider that the appeal scheme will not be successfully integrated within the townscape and visual context in terms of how that context enables a better appreciation of the character and appearance of the Conservation Area. It has therefore failed to take due account of minimising or avoiding harm as set out in Step 4 of GPA3 (CD8.22, p.14). Rather I consider the appeal scheme to have a moderate adverse effect on the setting of the Conservation Area as a visual receptor of high sensitivity (using the same valid GLVIA criteria as the TVIA, CD1.54 para. 13.39), meaning there would be a partial deterioration to the qualities of the views in which the setting is experienced. In my view, this degree of adverse impact will constitute a low level of "less than substantial" harm to a designated heritage asset. I therefore consider that LBB's Reason for Refusal 3 respecting the setting of the Conservation Area to be justified and correct.

6 POLICY ASSESSMENT

London Plan (2021)

- 6.1. For the reasons detailed in the preceding chapters of this Proof of Evidence, I consider that the appeal scheme fails to meet the criteria of Policy D3, which sets out the design-led approach. The design-led approach requires that the scheme should respond to the context of the appeal site and responds positively to local distinctiveness, respecting the heritage assets that contribute towards the local character. It is apparent that despite an extensive study and assessment undertaken within the Appellant's TVIA, there was minimal consideration given to the likely impact of the appeal scheme on the setting of the Bromley Town Centre Conservation Area and an undue reliance placed on a hypothetical baseline and emerging context which provided inaccurate assessments of impact, particularly as perceived in the townscape areas which make up the Conservation Area. Whilst broadly reflecting the materiality of the Conservation Area in its use of brickwork, the appeal scheme would introduce an intensely urban character within its immediate setting (more akin to the character of Bromley South) that will loom as a wall of development above the varied roofscape and traditionally-scaled buildings at the south end of the pedestrianised area and as glimpsed from Church House Gardens. I consider that the appeal scheme would be an unsympathetic addition which fails to respect the Conservation Area that defines the local character of this part of Bromley.
- 6.2. I also consider that the appeal scheme fails to meet the criteria of London Plan Policy 9 regarding the location and design of tall buildings. Bromley Town Centre already has an established distinctive character, which is exemplified in the Conservation Area designation and which is very different from Bromley South. I agree with LBB in their Development Control Committee Report (CD3.3, para. 6.5.13) that the appeal scheme "would visually overwhelm the modest market town character of the Bromley Town Centre Conservation Area". I do not consider that the proposed design will enable the building to integrate comfortably with its surroundings because its scale, height, mass and bulk has a detrimental cumulative impact with other existing and emerging tall buildings and inappropriately dominates Conservation Area views from the High Street and from the open spaces to the west, as well as compromising glimpsed views from Church House Gardens. The appeal scheme has not therefore avoided harm to an experience of the significance of the Conservation Area and introduces an unforgiving bulk, scale and mass to the skyline as experienced in mid-range and immediate views. I do not consider that a building of such height on the appeal site is necessary to reinforce spatial hierarchy or to aid legibility given its set back on a residential street and the recent consent at 66-70 High Street which will provide a landmark building at the gateway to the Conservation Area at the transition point in character towards Bromley South.

- 6.3. The appeal scheme also fails to comply with HC1 regarding Heritage Assets because, as I have identified, it does not conserve an appreciation of the significance of the Bromley Town Conservation Area as experienced through its setting. The height, scale, mass and bulk of the appeal scheme is not sympathetic to the local context and so will have an adverse impact on the setting of the Conservation Area in views within it and looking out of it which are important in enabling the ability to appreciate and understand its character and appearance. The appeal scheme at the proposed height also does not take into account the cumulative impacts of incremental change from developments within the setting of the Conservation Area.

Local Development Framework

- 6.4. Policy 37 of the Bromley Local Plan (2019), which deals with the general design of development within the borough, contains as only its second criterion (beneath the requirement for good quality architecture) that developments will be expected to “positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features”. The appeal proposals would detract from Conservation Area views in which the character and appearance of the area is well-represented and often experienced; the proposed scale does not take account of the scale, height, bulk, and massing of the adjacent Conservation Area or the cumulative impact of other developments, and the appeal scheme is not considered to positively contribute towards and respect heritage assets.
- 6.5. Policy 42 of the Bromley Local Plan deals with development adjacent to a Conservation Area and states that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area. The supporting text at 5.1.7 reinforces the policy position that, as a designated heritage asset, the setting of a conservation area is a consideration in the determination of planning applications even when a development occurs outside its designated boundaries. As set out in the preceding sections of this Proof, I do not consider that the appeal scheme meets the criteria for this policy by nature of its detrimental impact on views out of the area which compromise the setting – an appreciation and understanding of its special interest, character and appearance.
- 6.6. Site Allocation 10 ‘West of Bromley High Street and land at Bromley South’ (4.54 hectares in total) in the Local Plan for mixed uses including 1,230 homes, offices, retail and transport interchange (CD4.1, pp.271-72). As set out in the preceding sections of this Proof, I consider that the proposals for the appeal site, whilst forming part of the site allocation, fail to incorporate “*a sensitive design which respects the adjoining low rise residential development*” on the southern fringe of the Conservation Area and

contributes positively its historic suburban and more open setting to the south and west.

- 6.7. The Bromley Town Centre Area Action Plan (2010) is used extensively by the Appellant to justify the acceptability of taller buildings on the appeal site. I understand that the Area Action Plan has very limited weight in planning terms given that it has been largely superseded by the London Plan and Bromley Local Plan (covered in the evidence of other expert witnesses acting on behalf of LBB) but it remains a material consideration. It is highly unlikely that the Area Action Plan intended to provide a carte blanche approach to height and scale on the Appeal Site and that by identifying it as an opportunity site, the provision of greater height is relative to and subject to the local context the impact on the setting of the Conservation Area. Indeed, one of the constraints of Policy BTC17 (CD4.2, Section 4.7) was that new development protects and enhances the character of the Conservation Area, and protects and enhances the historic environment and heritage character of the town centre. As I set out above, I do not consider that the appeal scheme is a positive response to the Conservation Area and compromises an appreciation and understanding of its character and appearance by providing an unsympathetic height and scale and cumulative urban massing within its immediate setting.
- 6.8. The appeal scheme also fails to accord with the provisions of the Bromley Town Centre SPD (2023), in particular SPD Guidance Note 2 which states that development proposals should make a positive contribution to the existing townscape and character by identifying existing...cultural assets and seeking to strengthen them in the design of new schemes in order to reinforce local identity and sense of place. In this case, the cultural asset is the Conservation Area which has not been strengthened by the appeal scheme to the detriment of local identity and sense of place. The SPD also states that it is essential that proposals for tall buildings respond appropriately in terms of their height, scale and massing to neighbouring buildings and the wider context of the Town Centre, which I consider also encompasses the setting of the Conservation Area (CD5.2, para. 5.18). Based on the evidence set out above, I consider that the appeal scheme also fails in this requirement.
- 6.9. I consider that the appeal scheme does not comply with the policies contained within the Urban Design Guide (2023). The documentation accompanying the planning submission did not demonstrate a sufficient understanding of the significance of the Conservation Area – its character, appearance and setting – in order to provide a credible evidence base to fully understand the impact of consequences of the proposed change (CD5.1, Policy DG2). Furthermore, and as set out in detail above, I do not consider that the appeal scheme responds sensitively to the setting of the Conservation Area by adopting a considered approach to height, scale and massing to ensure that its heritage value is protected. Rather the appeal scheme would erode and diminish an appreciation of the value of the setting of the

Conservation Area by presenting two blocks which together would be of a greater more unforgiving bulk, scale and single mass of wider proportions than any of the existing isolated tall buildings within the setting.

National Planning Policy Framework (2023)

- 6.10. Section 12 of the NPPF “Achieving Well-Designed Places” places great emphasis on the importance of good design in achieving sustainable development and making development acceptable to local communities. The Proof of Amanda Reynolds on behalf of LBB assesses the design of the appeal scheme (CD10.3, Section 4), but I do not consider that the proposals meet the requirements of good design, as set out in NPPF Paragraph 135, given the adverse impact on a designated heritage asset. The detailed analysis contained within the sections of this Proof of Evidence illustrates that I consider that the appeal scheme will not add to the visual quality of the area in the long term (135a) by nature of its inappropriate scale, height, bulk and mass which is unsympathetic to the setting of the Conservation Area (135c). I consider that Paragraph 139 of the NPPF is particularly relevant here: *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*. As set out above and below, I consider the appeal scheme fails to reflect local polices, local design guidance and supplementary planning documents, and national design guidance as it relates to the impact on the Conservation Area.
- 6.11. Section 16 of the NPPF deals with Conserving and Enhancing the Historic Environment. Paragraph 195 states that heritage assets are “an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”. As set out in this Proof, I consider that the appeal proposals would be detrimental to an appreciation and understanding of the significance, character and appearance of the Bromley Town Centre Conservation Area by compromising its setting. I agree with LBB officers in the Development Control Committee Report (CD3.3, para. 6.5.19) that the appeal scheme will cause “less than substantial harm” to the setting of the Bromley Town Centre Conservation Area; this view was endorsed by the GLA in their second stage advice (CD3.5, para. 51). I consider the proposals constitute a low level of “less than substantial harm”. Great weight should be given to the conservation of heritage assets irrespective of the level of harm to its significance (NPPF paragraph 205).
- 6.12. Paragraph 208 states that 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. Any harm to significance

must therefore be clearly and convincingly justified and outweighed by the delivery of public benefits. I understand and accept from LBB's Development Control Committee Report (CD3.3, para. 8.11) and from the GLA advice (CD3.5, para. 51), and I defer to the Proof of Evidence of Karen Daye acting on behalf of LBB (CD10.2), that substantial wider public benefits would be required to justify the scale and impacts of the development being proposed; the adverse impacts identified [including to the Conservation Area] would likely significantly and demonstrably outweigh the benefits arising when assessed against the policies in the Framework taken as a whole (CD10.2, para. 7.7).

- 6.13. I do not perceive there to be any "heritage benefits" that may constitute public benefit; indeed, quite the reverse – there would be disbenefits as set out in this Proof of Evidence, particularly with regards to the adverse impacts of the appeal scheme on the setting of the Conservation Area. From a heritage perspective, I also do not perceive there to be a "clear and convincing justification" (NPPF paragraph 206) put forward by the Appellant to justify what I consider amounts to "less than substantial" harm to a designated heritage asset arising from development within its setting.

Other Considerations

- 6.14. Characteristic 1 of the National Design Guide states that well-designed places and buildings are influenced positively by "the significance and setting of heritage assets and any other specific features that merit conserving and enhancing" (CD6.1, para. 48). Also "the local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape" (CD6.1, para. 46). Based on the evidence presented throughout this Proof of Evidence, I do not consider that the appeal scheme is appropriate to its local context and does not improve the character of Bromley Town Centre given the adverse impacts on the setting of the Conservation Area.
- 6.15. I have also evaluated the appeal scheme according to the eight principles of the Building in Context Toolkit (2001) which was formulated by English Heritage (now Historic England) and CABE (now the Design Council) to stimulate a high standard of design for development taking place in historically sensitive contexts (ref. my Appendix 3). I do not consider that the proposals have taken account of the historical development of Bromley Town Centre in terms of the prevailing scale, character and topography (Principle 2), designing forms and massing so the development sits happily in the pattern of existing development (Principle 4), respecting important views within and looking out of the Conservation Area (Principle 5) and respecting the scale of nearby buildings within the Conservation Area and within its setting (Principle 6). I do not consider that the proposals would create new views and juxtapositions which would positively add interest or texture within the local context (Principle 8).

7 CONCLUSION AND SUMMARY

7.1. This Proof of Evidence considers the heritage matters arising in the appeal by Ringers Road Properties Ltd against the London Borough of Bromley's ("LBB") decision to refuse Planning Permission for the redevelopment of the appeal site at 2-4 Ringers Road and 5 Ethelbert Road, BR1 1HT.

7.2. The application was refused by LBB on 19 December 2023. There were six reasons for refusal. Reason 3 includes reference to heritage matters to which this Proof of Evidence has responded:

The proposed development, by reason of its siting, height, scale, massing and appearance would appear as an over-intensive development within a confined site and would prejudice the development potential of the adjoining sites within the allocated Site 10 in the Local Plan. The proposal would appear as an overly dominant and overbearing addition to the town centre skyline and out of context with its immediate surroundings. The proposed development would therefore cause harm to the character and appearance of the area and fail to preserve or enhance the setting of the setting of the Bromley Town Centre Conservation Area, contrary to London Plan Policies D1, D3, D4, D7, D9 and HC1; Local Plan Policy 37, 42, 47, 48 and Site Allocation 10; Bromley Urban Design SPD and Bromley Town Centre SPD.

7.3. This Proof of Evidence has provided a detailed assessment, in accordance with regional, local and national planning policy and guidance, of the impact of the appeal scheme on the setting of the Bromley Town Centre Conservation Area as raised by LBB in their third reason for refusal of planning permission in relation to the impact on the local and wider townscape context.

7.4. Section 4 of the Proof established a baseline assessment of the character and appearance of the Conservation Area, and more specifically of the contribution which the setting makes to appreciating and understanding that character and appearance. I consider that the setting of the Conservation Area to the south and south-west (the aspects affected by the appeal scheme) make a positive contribution to the ability to appreciate and understand the character and appearance of the Conservation Area: the setting sustains an appreciation and understanding of the largely coherent scale of the built form with its varied roofscape which defines the character of the Conservation Area, particularly of the pedestrianised High Street as a traditional shopping street where only the modernist Churchill Theatre is a landmark taller building behind the street frontage; the setting also sustains an appreciation of the historic hill top topography of the market town and its semi-rural (and later suburban expansion) setting to the west; and the setting sustains a low-rise open setting to the south and west largely unimpeded by urban influences as glimpsed from the landscaped open space at Church House Gardens. I do not consider that the existing taller buildings (including Henry House and the St Mark's Square development) or the consented

scheme at 66-70 High Street compromise or harm the setting of the Conservation Area; rather they sustain the positive elements of the setting just described by nature of their siting, skyline profiles and visual isolation from each other as seen in views within and looking out of the Conservation Area.

- 7.5. Section 5 of the Proof detailed the impact of the appeal scheme on the setting of the Bromley Town Centre Conservation Area, particularly on whether the appeal scheme sustains an appreciation of the positive attributes of the setting mentioned above. I agree with the Appellant's TVIA assessment regarding the high receptor sensitivity of the Conservation Area and Church House Gardens. However, I consider that the Appellant's TVIA did not include a sufficiently detailed assessment of the setting of the Conservation Area and its contribution to the significance, character and appearance of the area to make a fully informed assessment of the impact of the proposals. I do not agree with the conclusion of the Appellant's TVIA that the significance of effect on those character areas and views that include the Conservation Area and its setting is beneficial or causes no change when it is based on a mostly hypothetical emerging baseline and appears to rely almost entirely on the precedent for greater height set by the consented scheme at 66-70 High Street. I consider that the 12-storey height consented on the neighbouring site does not justify the proposed heights of the blocks on the appeal site. My detailed appraisal and review of the setting of the Conservation Area within this Proof lead me to conclude that the impact of the appeal scheme is of an adverse nature (contrary to the view than asserted in the TVIA or the Appellant's Statement of Case) and that it causes a low level of "less than substantial" harm by nature of having a moderate adverse visual effect.
- 7.6. As detailed in Section 6 of the Proof, I consider that the appeal scheme conflicts with the London Plan, the LBB Local Development Framework and the National Planning Policy Framework, as well as other relevant national and local guidance because the appeal scheme fails to conserve or enhance the setting of a designated heritage asset – the Bromley Town Centre Conservation Area. The adverse impacts on the setting and the ability to appreciate and understand its significance, character and appearance are considered to lead to a low level of "less than substantial harm" (in agreement with LBB officers and the GLA), which I understand and accept from Karen Daye's Proof of Evidence on behalf of LBB is not outweighed by the public benefits offered by the scheme (CD10.2, para. 7.7), nor by any perceivable heritage benefits or by the quality of the design. The detailed review and assessment carried out within this Proof therefore supports LBB's third reason for the refusal of Planning Permission – namely the detrimental impact of the appeal scheme on the townscape context of the appeal site, and the "less than substantial" harm caused to the setting of the Bromley Town Centre Conservation Area which, from my perspective, has not been sufficiently outweighed by any beneficial impacts relating to heritage enhancements.