

CORE DOCUMENT 9.5

Heritage Proof of Evidence

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2-4 Ringers Road and 5 Ethelbert Road,
Bromley, BR1 1HT

On behalf of Ringers Road Properties Ltd

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London Borough of Bromley Ref: DC/21/05585/FULL1

Appeal Ref: APP/G5180/W/24/3340223

Cogent Heritage Ref: 0909

CONTENTS		PAGE NO.
1.0	INTRODUCTION	3
2.0	THE BROMLEY TOWN CENTRE CONSERVATION AREA	7
3.0	DETAILED COMMENTARY ON THE OR AND THE COUNCIL'S SOC	54
4.0	SUMMARY AND CONCLUSIONS	70

APPENDICES

Appendix 1: Overview of legislation, policy and guidance

Appendix 2: An outline of my broad approach to assessment

1.0 INTRODUCTION

Qualifications and experience

- 1.1 I am Ignus Froneman, Director at Cogent Heritage, an independent heritage consultancy that I established in August 2019. In the 9 years before establishing Cogent Heritage, I was a Director at Heritage Collective UK Limited (trading as Heritage Collective), and its subsidiaries. Before that, I was at CgMs Consulting (now part of RPS), between 2001 and 2010. During this time, I have worked on a wide range of projects affecting the historic environment throughout the United Kingdom.
- 1.2 I hold a degree in architecture; I am an Associate member of the Chartered Institute for Archaeologists (ACIfA) and a member of the Institute of Historic Building Conservation (IHBC).
- 1.3 I have over 20 years of experience in the historic environment. This includes understanding and analysing physical fabric, and policy application. Specifically, my experience entails providing advice, analysing development proposals, and assessing their impacts on the historic environment and townscape. I have dealt with a diverse range of cases involving the assessment of physical changes to all manner of heritage assets, and/or development affecting their settings. I have undertaken numerous impact assessments where I have considered the impacts of new development on the historic environment (dealing with physical impacts, setting and townscape), including for tall buildings and large scale developments in London.
- 1.4 I am currently a member of the Quality Review Panel (QRP) for the London Borough of Tower Hamlets, where I advise on heritage and townscape matters.
- 1.5 I have provided expert evidence at appeals, including public inquiries, on behalf of both appellants and local planning authorities, including in relation to tall buildings in London. A recent case was in relation to 48-52 Clarendon Road in Watford, where a building of up to 23 storeys was proposed on a site immediately adjacent to a conservation area that comprises a low-rise, mixed use Victorian development (APP/Y1945/W/23/3317838). The Inspector in that case found that there would be no harm to the conservation area.

Expert witness declaration

- 1.6 I understand my duties as an expert witness; to give independent and objective evidence on matters within my expertise, based on my own independent opinion and uninfluenced by the instructing party. I confirm that the opinions set out in this statement represent my true opinion. I have stated the facts and matters on which I

rely, and have sought to identify all material matters, irrespective of whether they support the conclusion I have reached.

- 1.7 I believe that the facts stated within this statement are true and that the opinions expressed are correct. I have drawn attention to any matters where I consider I lack sufficient information to reach anything other than a provisional conclusion. I will continue to comply with my duties as an expert witness. I have adhered to the standards and duties of the professional bodies I am a member of, and will continue to adhere to those standards and duties.

My involvement

- 1.8 I was not involved in the appeal proposal at the time of the application submission. Following the refusal, I was asked to independently review the case and undertake a site visit¹, which I did in April 2024. Having done this, I was able to confirm that I did not consider there would be harm to any heritage asset, and that I would be able to act as the Appellant's heritage expert witness.

Key issue

- 1.9 **The Decision Notice:** The third reason for the London Borough of Bromley's refusal of the appeal proposal, on the Decision Notice of 19 December 2023 (**CD 3.6**), raises allegations in relation to townscape, design, and an allegation of the development being prejudicial to the development potential of the adjoining allocated sites. I do not deal with these issues. Instead, I deal specifically with the Council's heritage objection to the appeal proposal, which is contained in the quote below:

"The proposed development, by reason of its siting, height, scale, massing and appearance 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 ..."

¹ For the reasons set out under 'key issues' I have focussed my evidence on the Bromley Town Centre Conservation Area, but I have included on my site visit and in my assessment other heritage assets, e.g. the Shortlands Village Conservation Area and the grade II* listed war memorial on Martin's Hill. I reserve the right to respond to any allegations of harm to any other heritage assets, should that be made in evidence.

- 1.10 I make the following observations in relation to heritage matters:
- i. The third reason for refusal names the adjacent Bromley Town Centre Conservation Area (the 'BTCCA') as the only heritage asset that is said to be harmed by the appeal proposal.
 - ii. That is consistent with the Officer's Report to the Planning Committee of 30 November 2023 (the 'OR', **CD 3.3**), which records that it is the adjacent BTCCA that the Council considers would be harmed (e.g. 6.5.13; 6.5.15 and 6.5.17).
 - iii. There is similarly consistency in that the OR also identifies the BTCCA as the only heritage asset that is said to be harmed by the appeal proposal.
 - iv. This corresponds with what is stated at 6.42-6.47 in the Council's Statement of Case (the 'SoC', **CD 10.1**) and the table of matters in dispute in the Statement of Common Ground (the 'SoCG', **CD 11.1**, albeit that the SoCG was in draft at the time of finalising this Proof).
 - v. The Council does not allege harm in relation to any other heritage asset (this is consistent with the OR, and the Council's SoC, neither of which contain any such allegations. This is confirmed in the table of matters in dispute in the SoCG (in draft at the time of finalising this Proof).
- 1.11 The key heritage issue is, therefore, whether the siting, height, scale, massing and appearance would of the appeal proposal would make it an 'overly dominant and overbearing addition' to the town centre skyline, such that it would harm the significance of the BTCCA.
- 1.12 Officers' assessment of the appeal proposal is set out in the OR, and the Council's heritage case is set out in the Council's SoC. These provide a fuller rationale of why the appeal proposal was recommended for refusal, and of the Council's heritage case. I provide a detailed commentary on these at Section 3 of my Proof, following my own assessment of the effects of the appeal proposal at Section 2.

Structure of my Proof

- 1.13 The remainder of my Proof is structured as follows:
- Section 2:** My assessment of the significance of the BTCCA and the contribution of the appeal site in its present state to the significance of the conservation area, as well as the effect of the appeal proposal on the significance of the conservation area.
- Section 3:** Specific comments in relation to matters raised in the OR and the Council's SoC.

Section 4: In this section I summarise my conclusions.

1.14 I have summarised the relevant legislation and policy framework separately at **Appendix 1**. At **Appendix 2** I set out my approach to setting, with reference to GPA 3 and appeal decisions.

2.0 THE BROMLEY TOWN CENTRE CONSERVATION AREA

2.1 The Council's adopted *Bromley Town Centre Conservation Area Statement* (the 'BTCCA Statement' **CD 5.5**) (Dated 2011) is my starting point for assessing the conservation area's significance, and the contribution of the appeal site to its significance. This next section considers the BTCCA Statement's description and assessment of the significance of the conservation area, with some of my observations added in places. I note here that I generally agree with the BTCCA Statement, although there are areas where I disagree, and I highlight those in the section below.

SUMMARY OF SIGNIFICANCE

2.2 At the overview on page 4, the BTCCA Statement describes Bromley Town Centre as a 'former market town' that is now the principal retail and commercial centre in the borough, also containing the administration centre for the borough.

2.3 The BTCCA Statement sets out the historical development of the area, on pages 10-12. I do not repeat that here, especially the early history of Bromley, but I note below some of the more relevant aspects of the area's history, which I expand on and which I illustrate with maps and images.

2.4 As the BTCCA Statement notes, the 1840s was a period of decline in Bromley; the Bishop of Rochester's Palace was sold to Coles Child, and the subsequent removal from the town of the patronage of the Bishop of Rochester affected local trade. By 1851 the population had fallen, and the Market House on the Market Square had closed.

2.5 However, the advent of the railways, with Bromley South Station opening in 1858, saw a reversal of fortunes, and the town began to expand. As the BTCCA Statement notes "*in time the area developed into an area of middle class suburbs*".

2.6 The latter half of the C19 was a period of renewal and expansion for the town centre. It was during this time that the outskirts of Bromley, which were traditionally surrounded by pasture, arable land and gentry houses, gave way to new suburban development. The High Street began to extend southwards, to meet the new Bromley South Railway Station, with a mixture of villas and commercial premises. The 1863/68 Ordnance Survey map extract at **Fig 1** below shows the area, essentially as it was when still a market town, before it became urbanised, i.e. a concentrated, linear settlement located in the countryside. The map records a linear pattern of development along the course of the High Street, and with a core at the market place, at the intersection of the east-west roads (now Church Street and Widmore Road).

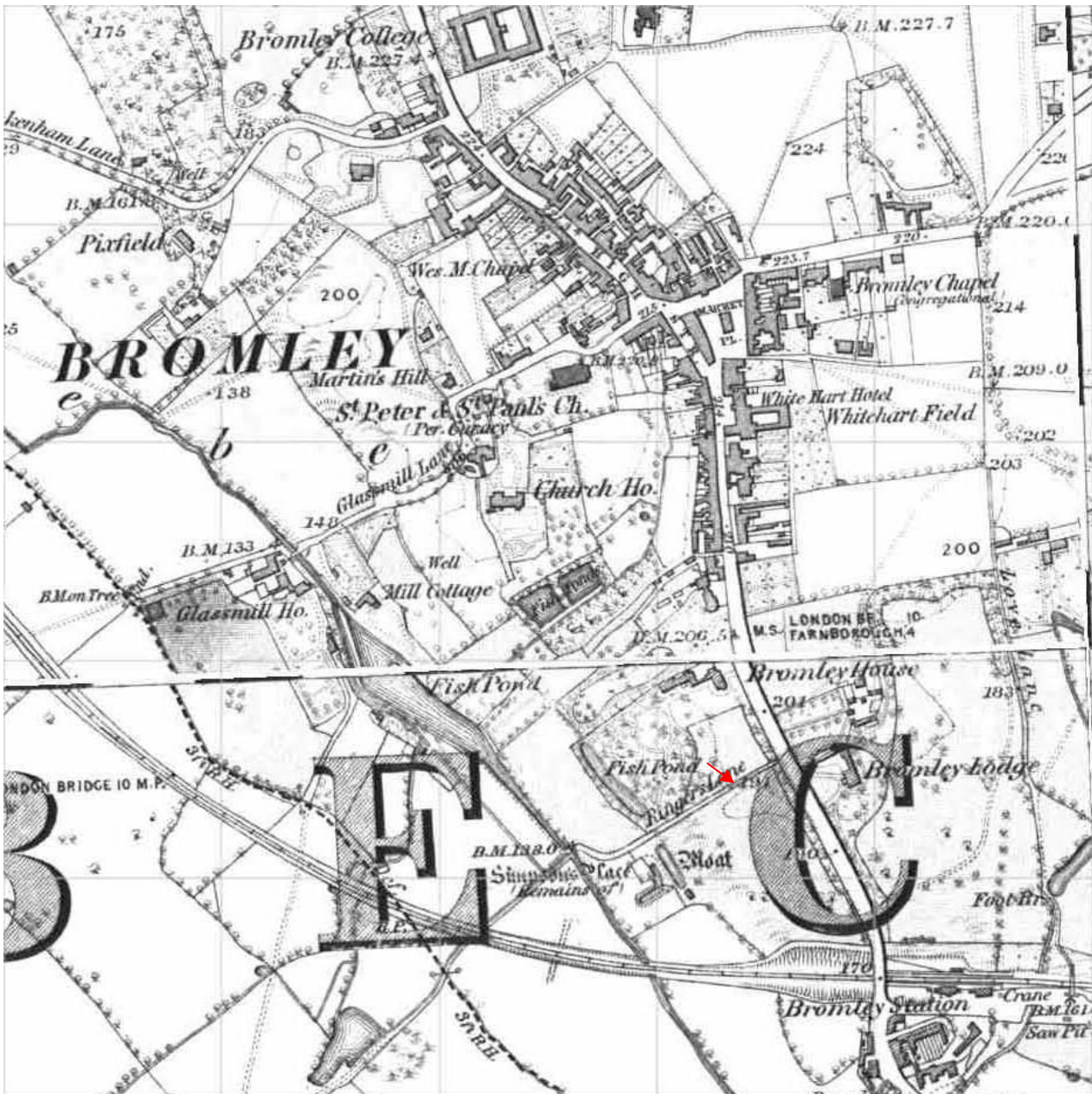


Fig 1: An extract of the small scale 1863/68 Ordnance Survey map. The rough location of the appeal site is indicated by the red arrow.

- 2.7 The appeal site at this time was located some distance to the south of the town, on Ringer's Lane (as it was then), which bound the extensive gardens of the former Bromley House to the south. Today, this former rural area, as depicted on the Ordnance Survey map, is unrecognisable from what is shown on the map. Ringers Road is now built-up and urban in character. Ethelbert Road has been added to the north of it. Church House Gardens, to the north of Ethelbert Road, still provides verdant openness, but it now has the character of a municipal park.
- 2.8 To the north of Bromley House, the map records a milestone, and a large house that was set at an angle to the High Street. This house, as the BTCCA Statement notes, remains at 98-102 High Street, albeit it is now somewhat subsumed by ground floor additions. The Bromley Borough Local History Society has an undated C19 photo of

the house under construction, with the milestone visible in the foreground (**Fig 2**). The view looks north, and the C19 development that preceded the large, post-war Churchill Theatre can be seen on the right of the photo.

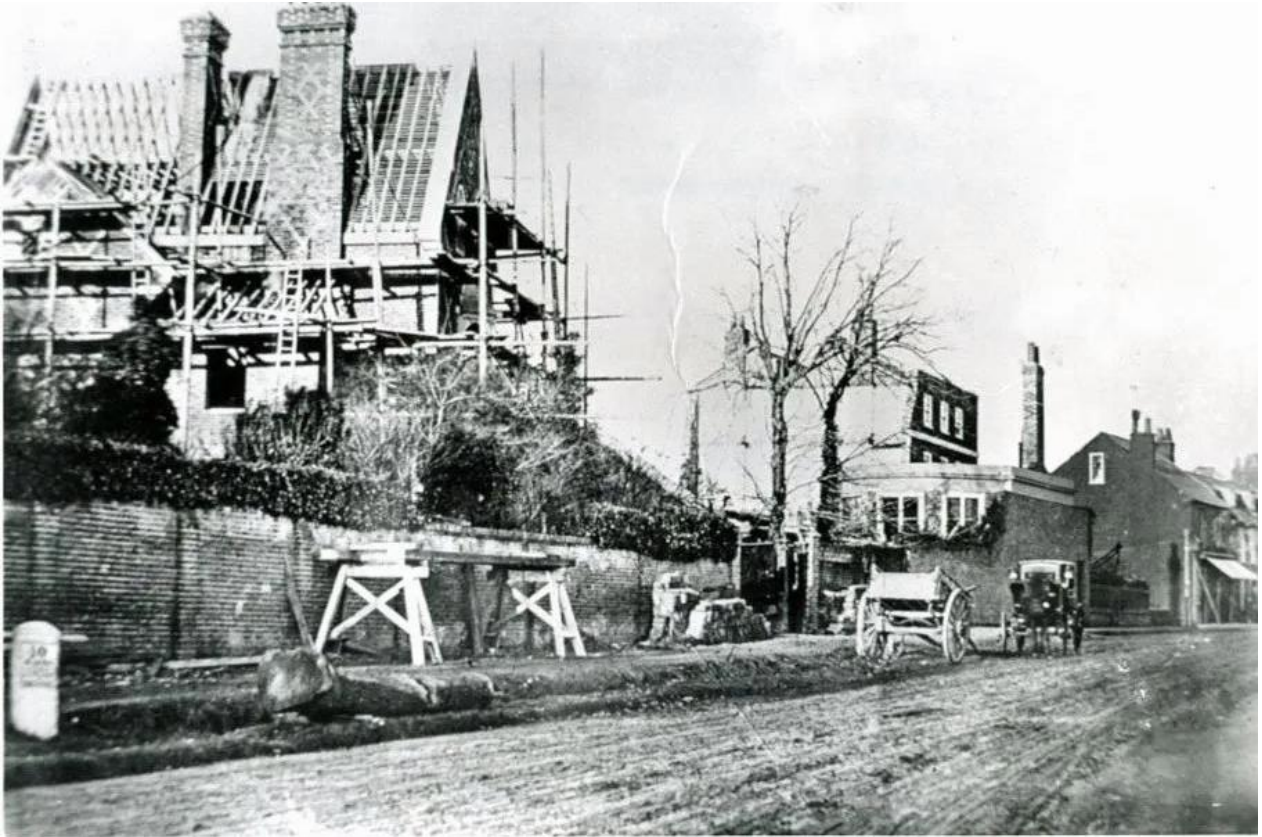


Fig 2: An undated photo of the large house, now 98-102 High Street, under construction. The milestone can be seen on the far left of the image. © Bromley Borough Local History Society

- 2.9 The 1897 Ordnance Survey map (**Fig 3**) records the southern expansion of the development on the High Street, and increased development in depth along the roads intersecting the thoroughfare. By now, the formerly rural Ringer's Lane had become Ringer's Road, with some development in the form of suburban houses recorded on both sides. Ethelbert Road had been laid out on the southern part of the former grounds of Bromley House (which had been enlarged, and retained a relatively large garden).
- 2.10 The map shows a spacious pattern of development along the west side of the High Street, south of Ethelbert Road. There were widely spaced detached and semidetached houses, with notable gaps between them, whereas the eastern side of the road was more intensely developed (to the south was The Broadway, a parade of shops with dwellings above that no doubt exploited the footfall to Bromley South Station).
- 2.11 To the north of Ethelbert Road, within what is now the southern part of the BTCCA, there were again large houses with deep rear gardens on the west side of the High

Street, in contrast with the more intensely developed east side. The density of development was the highest around the Market Square to the north.

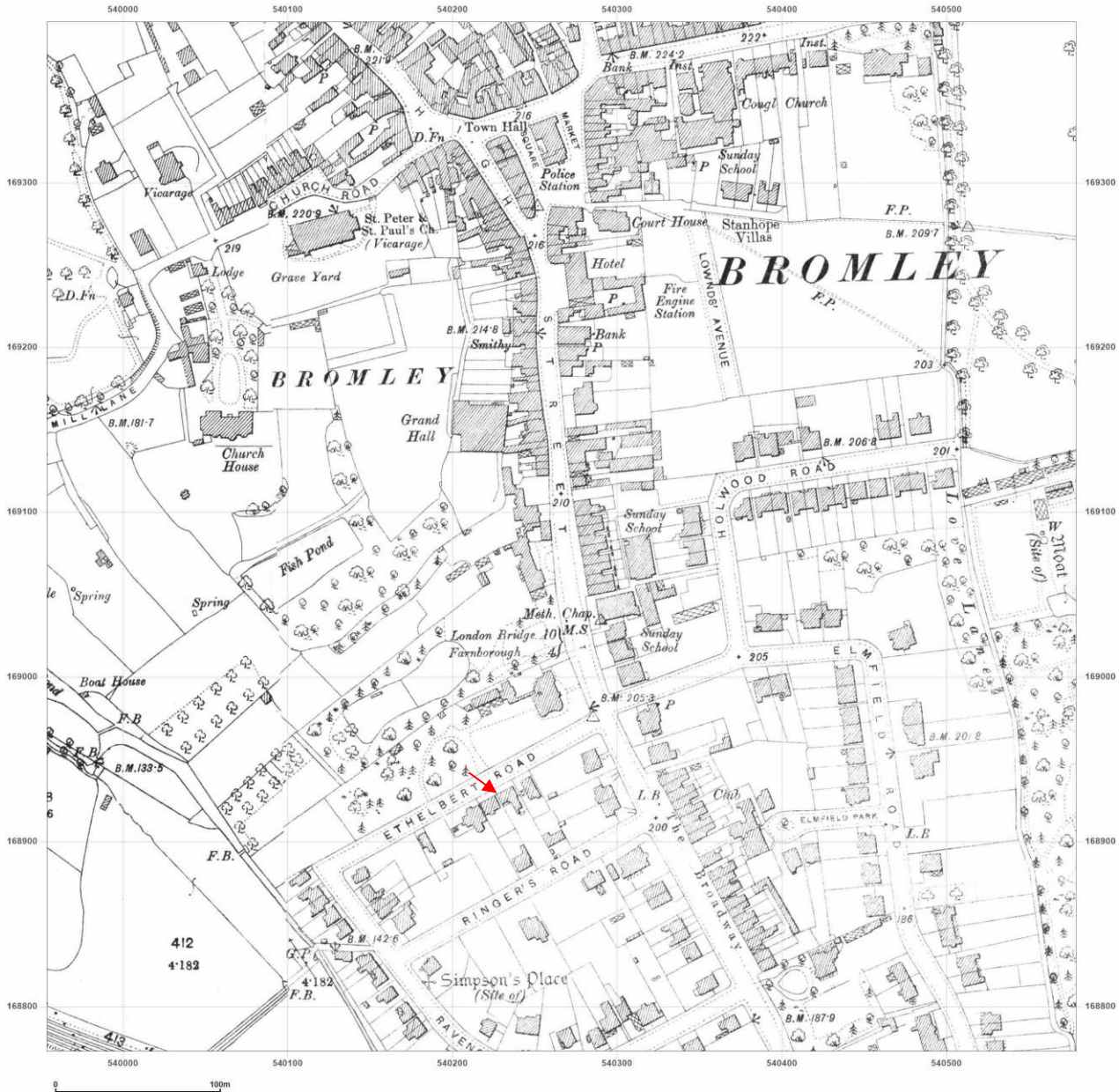


Fig 3: An extract of the large scale 1897 Ordnance Survey map. The location of the appeal site's frontage on Ethelbert Road is indicated by the red arrow.

2.12 According to the BTCCA Statement, the Victorian town expansion also added important civic/government buildings, which have been retained and which reflect the transition of Bromley from market town to suburb. By 1894, Bromley had become an Urban District and around this time a node of civic buildings developed around Widmore Road, South Street, Court Street and Tweedy Road. The 1897 Ordnance Survey map extract above (**Fig 3**) shows a fire station, court house, town hall and police station in the northern part of the map near the Market Square. According to the BTCCA Statement, the mid to late C19 commercial buildings that often replaced older, vernacular properties, were carefully considered and ornately detailed.

2.13 The BTCCA Statement goes on to note that the modernisation of Bromley facilitated its transformation from a small market town to a busy suburban centre. As such, most of the housing on the High Street and Market Square was converted to commercial uses during that period. Public parks and open spaces were also formed during the C19, again reflecting the fact that the town had become an urban district and was now surrounded by suburbs; this created the need to provide open green spaces (unlike a rural area, where there would have been no such need). The town continued to expand during the late Victorian and Edwardian period. The 1909/12 Ordnance Survey map (Fig 4) shows little change in the area covered by the map.



Fig 4: An extract of the large scale 1909/12 Ordnance Survey map. The location of the appeal site's frontage on Ethelbert Road is indicated by the red arrow.

2.14 The BTCCA Statement notes that the conservation area saw little change in the decades leading up to WWII. The pre-war townscape is recorded in three oblique aerial photos from 1929, of which extracts can be seen below at **Figs 5-7**.



Fig 5: An extract of an oblique aerial photo of 1929, showing the conservation area to the north of Ethelbert Road, looking NE near the junction with the High Street (the appeal site is just out of view at the bottom right). © Historic Environment Scotland

2.15 The photo at **Fig 5** above shows Bromley House at the bottom right corner, with its distinctive pair of south facing bow windows. To the north, the parade of shops that subsumed the earlier house (now 98-102 High Street) can also be seen in place. Other notable aspects are the former Methodist Church that stood on the east side of the High Street (it is now gone), and the smaller scaled, fine grained development that stood in the location of the Churchill Theatre. Ethelbert Close, to the north of the appeal site, did not yet exist, although there were by now buildings to the west/NW of Bromley House.

2.16 The photo at **Fig 6** below shows more of the hinterland to the south of Ethelbert Road (the boundary of the present-day BTCCA) in 1929. This area is recorded as very much suburban in character, with houses and gardens with trees giving a notably lower density and verdant character, in comparison with the tightly developed High Street seen to the north of Ethelbert Road.



Fig 6: An extract of an oblique aerial photo of 1929, showing the conservation area to the north of Ethelbert Road, and the development to the south of Ethelbert Road, looking NE near the junction with the High Street. The location of the appeal site's frontage on Ethelbert Road is indicated by the red circle.
© Historic Environment Scotland

2.17 The photo at **Fig 7** below shows more of the hinterland to the south of Ethelbert Road (and the present-day BTCCA) at this time, again as very much suburban in character, but with shopping parades lining the east side of the High Street.



Fig 7: An extract of an oblique aerial photo of 1929, showing the southern part of the conservation area and the area to the south of Ethelbert Road, looking NE. The location of the appeal site is indicated by the red circle. © Historic Environment Scotland

2.18 The 1931/33 Ordnance Survey map (**Fig 8**) records essentially the same townscape as depicted on the 1929 aerial photos.



Fig 8: An extract of the large scale 1931/33 Ordnance Survey map. The location of the appeal site's frontage on Ethelbert Road is indicated by the red arrow.

2.19 The BTCCA Statement notes that the town centre sustained extensive bomb damage in WWII. The area is recorded on a series of 1940s vertical aerial photos; these show limited wartime damage in the southern part of the BTCCA (however, the loss of all but the tower of St Peter & St Pauls Parish Church can notably be seen). Nevertheless, the aerial photos (e.g. **Figs 9 & 10**) do record significant development in the area both within, and to the south of, the BTCCA. By this time Ethelbert Close had been developed, and Bromley House had been replaced with 'Bromley Manor Mansions' at 72-84 High Street, the southernmost building in the BTCCA on the west side of the High Street.

2.20 A more notable change is the introduction of large footprint buildings to the south of Ethelbert Road, on the west side of the High Street. The distinction in the townscape between the present-day BTCCA, and the area to the south of Ethelbert Road, can already be seen by this time. By now, the previously recorded verdant suburban character had changed to that of generally larger scaled developments and yards.



Fig 9: An extract of a vertical aerial photo of 1946, showing the southern part of the conservation area (to the north of Ethelbert Road), and the area to the south of Ethelbert Road. The location of the appeal site's frontage on Ethelbert Road is indicated by the red arrow. © Historic England



Fig 10: An extract of a vertical aerial photo of 1946, showing the southern part of the conservation area (to the north of Ethelbert Road), and the area to the south of Ethelbert Road. The location of the appeal site's frontage on Ethelbert Road is indicated by the red arrow. © Historic England

2.21 According to the BTCCA Statement, major redevelopment in the last decades of the C20 *"has brought positive change to the town centre"*. However, not all such change has been positive; some of these are of a poor quality and/or lacklustre design. The 1959 Ordnance Survey map (**Fig 11**) shows a broadly similar arrangement as the

aerial photos, with the library (where the Churchill Theatre would come to be developed) still in place at this time.

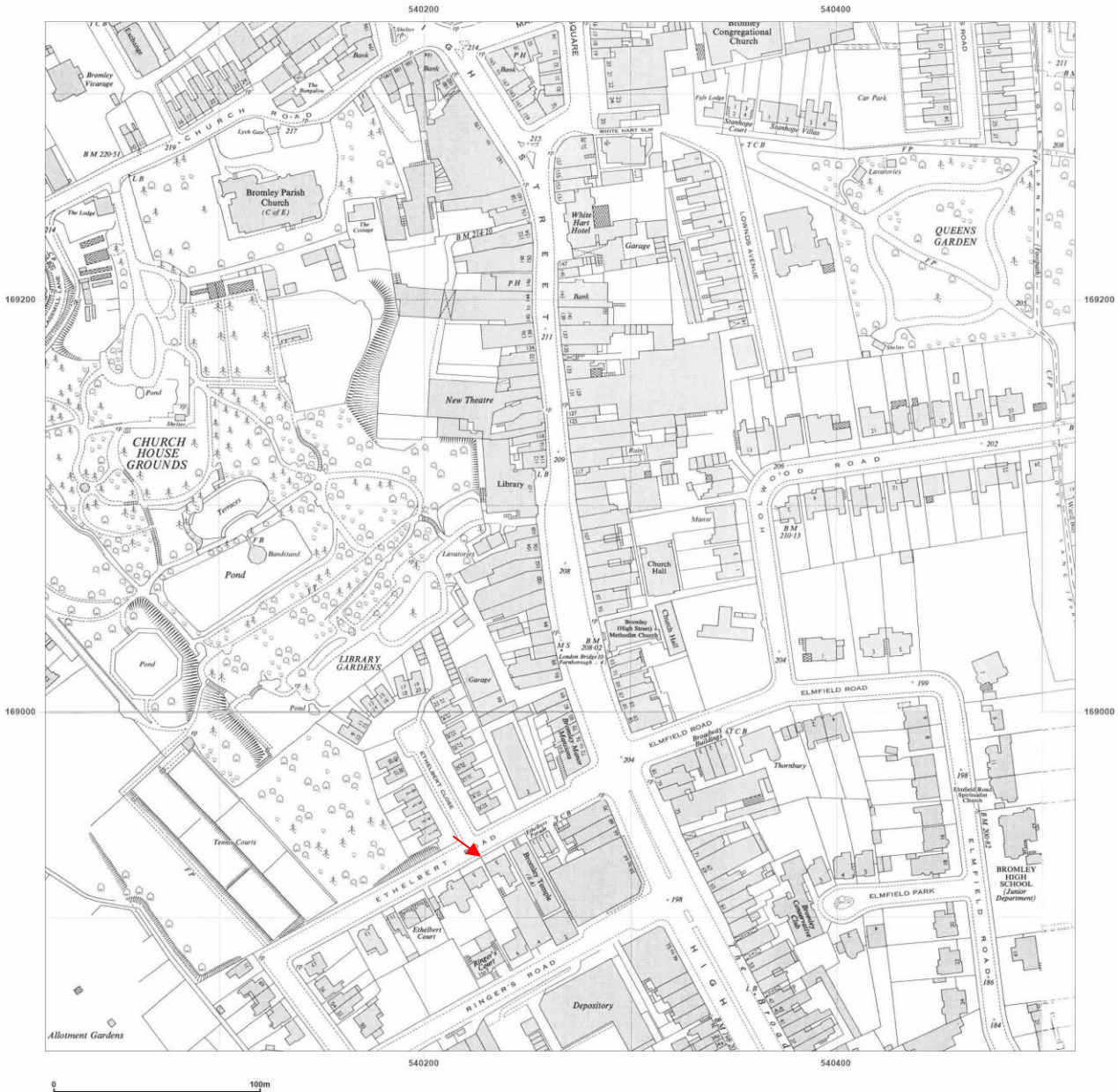


Fig 11: An extract of the large scale 1959 Ordnance Survey map. The location of the appeal site's frontage on Ethelbert Road is indicated by the red arrow.

2.22 The 1971 Ordnance Survey map (not reproduced) shows the library removed, but without the theatre in place. The theatre opened on 19 July 1977 and this prominent modern, large-scale building range has changed the character of the High Street, along with the series of large scale, postwar commercial units to the north of it, mostly on the west side of the High Street. As the BTCCA Statement notes, the "commercial success of Bromley Town Centre altered the character of Bromley as a market town."

2.23 Under the heading 'topography' on page 16, the BTCCA Statement highlights how the conservation area comprises a former hilltop settlement, built on a plateau, with the Ravensbourne Valley to the west of the town centre.

2.24 The same page of the BTCCA Statement deals with 'green space' and notes that much of the green space in the BTCCA is located along the steep escarpment to the west of the town centre. The green open spaces are noted to make an important contribution to the BTCCA. Two of those are discussed in more detail; Martin's Hill and Church House Gardens.

2.25 The BTCCA Statement notes of Martin's Hill (**Photo 1**) that this area is public open space and used for sports (I think that refers to the lower lying playing fields), as well as a pedestrian link from Shortlands Station to the northern end of the High Street. The Bromley Local Board (predecessors to the Council) bought Martin's Hill in 1878 and it has remained in public use. It is said to retain "*some of the feeling of open fields that would have been typical of the area*". Although I can see the important role that this green open space plays, it is difficult for me to agree with the BTCCA Statement that there is any real sense of being in 'open fields' when moving around the Martin's Hill area. I would characterise this area as resembling a municipal park in an urban/suburban setting, rather than as 'open fields'. There are expansive views westwards over the Ravensbourne Valley, and beyond, from the area near the Bromley War Memorial, especially when the trees are leafless.



Photo 1: An aerial view NW over Martin's Hill, with Church House Gardens in the foreground and the Queensmead Recreation Ground seen in the distance at the top left.

2.26 Of Church House Gardens (**Photo 2**), the BTCCA Statement notes the public open space is 'extensively landscaped' and includes a music bowl and lodge (there is also a terrace, paths and benches, a children's playground, and an adjacent skatepark, albeit

the latter is excluded from the conservation area boundary). This area is well-treed, and together with the topography that limits extensive outward views, though some of the taller surrounding buildings, both within the BTCCA (i.e. the Churchill Theatre - **Photo 3**) and beyond can be seen at various places. This is mostly in glimpsed views but the Churchill Theatre, the closest of these, is the most visible.



Photo 2: An aerial view west over Church House Gardens, with the postwar buildings on the west side of the High Street seen in the foreground and the Queensmead Recreation Ground seen in the distance at the top right.



Photo 3: The Churchill Theatre, seen from the pond in Church House Gardens to the west.

2.27 On page 18, the BTCCA Statement highlights that an Area of Archaeological Significance in the Bromley Town Centre roughly follows the boundaries of the conservation area and covers the mediaeval core of Bromley. The significance of the BTCCA therefore encapsulates the archaeological interest of the area.

2.28 The BTCCA Statement, on page 19, describes the seven character areas in the BTCCA, with an accompanying map (Figure 9, reproduced below as **Fig 12** for ease of reference) showing these. I note that the map does not show the subsequent western extension to the BTCCA, to the west and south of the Queensmead Recreation Ground (which is the westernmost part of the Ravensbourne Valley, shown as the green character area on the map below).

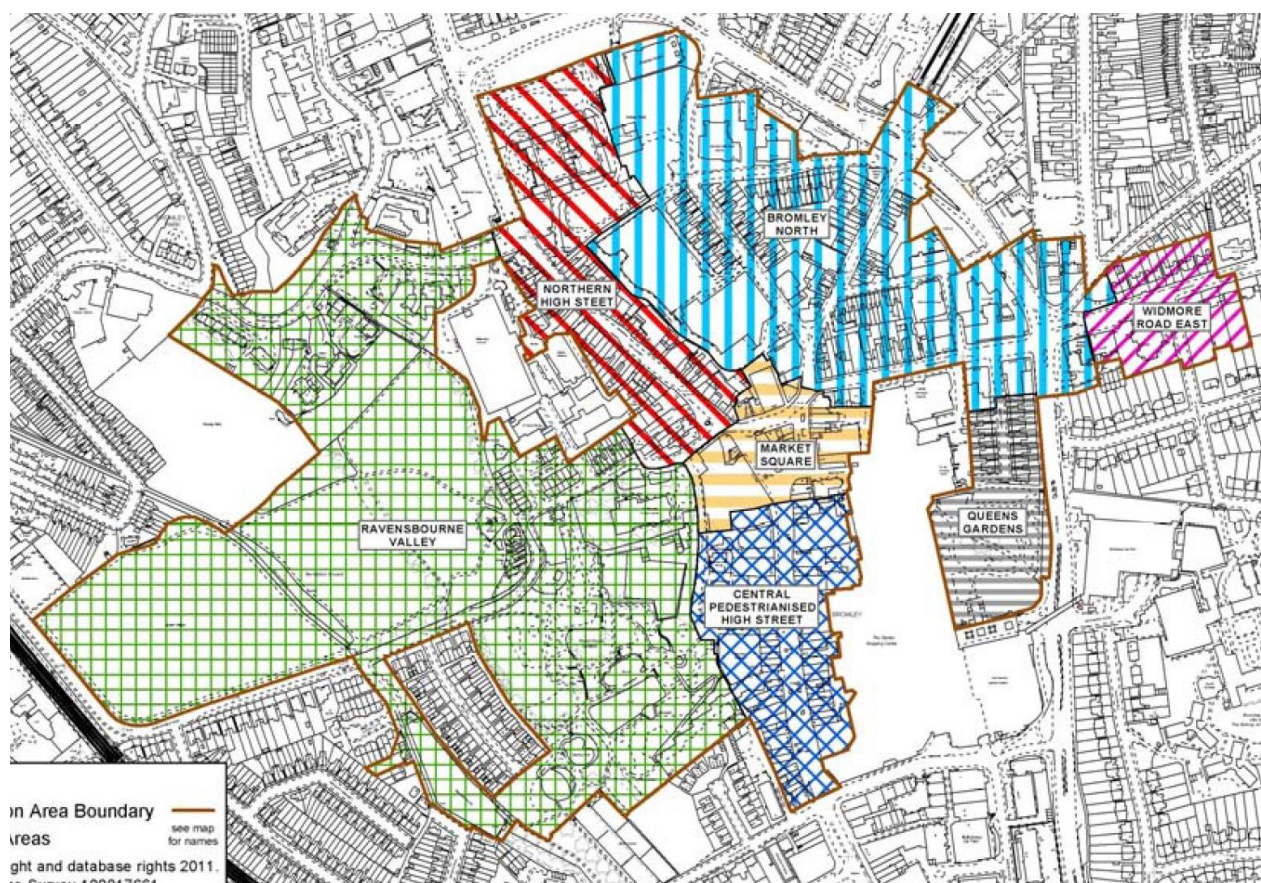


Fig 12: An extract of Figure 9 on page 19 of the BTCCA Statement, showing the seven character areas of the BTCCA.

2.29 Of the seven character areas, the two closest and most relevant to the appeal site are the central section of the High Street, and the Ravensbourne Valley.

2.30 The Central High Street Character Area is discussed on page 20 of the BTCCA Statement. The character area extends from Ethelbert Road/Elmfield Road in the south, to Market Square in the north. The aerial at **Photo 4** below shows the High Street Character Area from the north.



Photo 4: An aerial view south over the High Street Character Area (the northern part is out of view in the foreground).

- 2.31 As the BTCCA Statement notes, this section of the High Street has a varied character which is then said to be *"unified by the pedestrianisation of the street"*.
- 2.32 Whilst I consider that the pedestrianisation of the street has certainly made the character of the High Street more pleasant, and allows for an enjoyable pedestrian experience, I am not convinced this has 'unified' the area. In my view, the fact that this section of the High Street has a well-established commercial character, with shopfronts and a mix of commercial uses, is more of a unifying factor, combined with the fact that the street is almost continuously enclosed on both sides (**Photos 5 & 6**). This creates a well-defined, lively, linear urban environment that 'hangs together' despite the variety in building heights, ages, styles and scales. There is the sense of a relatively fine grain townscape, in places due to the relatively small commercial units even on some of the larger buildings, which tends to break down the perceived townscape grain, at least at the pedestrian level. The market stalls enliven the area, and the good quality street furniture and planting makes for a welcoming and pleasant pedestrian environment.



Photo 5: A view north into the High Street Character Area from the south.



Photo 6: A view south in the High Street Character Area, from the northern part.

2.33 Returning to the BTCCA Statement, it highlights surviving buildings in the character area from the early C19, which tend to be modest, traditional two storey structures

(128 and 130 High Street looks to be heavily altered examples of this type). The remaining buildings are noted to be a mixture of late C19 to early and mid C20 buildings. The late C19 buildings are described as tending to be of two or three storeys in height, with narrow frontages following the traditional building plots, and with well detailed commercial facades in brick or faience. There are many examples of these, on the east side of the High Street (albeit that 95-99 High Street is arranged as a parade). The BTCCA Statement correctly notes that the western side of the High Street contains large plots with uncompromising postwar buildings of modern design; some of these can be seen on **Photos 7-9**.



Photo 7: A view of the postwar buildings on the west side of the High Street Character Area, from the south.



Photo 8: A view south in the High Street Character Area, from the northern part, showing the postwar buildings.



Photo 9: An aerial view south over the NW part of the in the High Street Character Area, showing the postwar buildings on the west side of the High Street.

2.34 I would highlight that it is not only on the west side of the High Street where these occur; the photo below (**Photo 10**) shows an example on the east side near the Market Square. The corner block at the SE of the High Street Character Area (**Photo 11**) is another example, albeit that the conservation area boundary has been drawn to exclude it.



Photo 10: The uncompromising postwar building of modern design on the east side of the High Street, seen on the left.



Photo 11: The corner building at the SE corner of the conservation area (excluded from the boundary).

- 2.35 The BTCCA Statement highlights a variety of shopfronts, of different ages and designs, but mostly modern. It likewise highlights much variation at the first floor level of the High Street Character Area. The roof forms are noted to be varied, and this variation is also reflected in the predominant building materials, which are noted to be brick, concrete, timber and aluminium.
- 2.36 This section of the BTCCA Statement highlights some views, noting that the view north up the High Street is terminated by the 1930s neo-Tudor building in the centre of Market Square. The view south from the High Street into Market Square is noted to be terminated by 76-82 High Street. I quote what is said of the view south down the High Street (the BTCCA Statement, page 20, penultimate paragraph):
- "The view south down the High Street is terminated by nos. 76-82 High Street, a red brick neo-Georgian building, which also terminates the view West down Elmfield Road."*
- 2.37 **Photos 12-14** below show a few examples of views south down the High Street, from various places (all were taken with a compact camera, zoomed in to a 50mm equivalent focal length). I include these views because they show that, whilst it is correct to say that the southerly views are terminated by the neo-Georgian building at 76-82 High Street, the BTCCA Statement does not mention the taller buildings outside the BTCCA, which are clearly seen in these views to introduce a different townscape context that is obviously visible beyond the conservation area. The last and most southerly of the photos shows a more open view into this different hinterland.
- 2.38 When completed, the building that was recently approved on appeal, at 66-70 High Street (APP/G5180/W/21/3285586), would feature strongly in southerly views down the High Street, where it would become something of a landmark for the modern hinterland beyond the BTCCA (**Fig 13**).



Photo 12: A view south in the High Street Character Area, from the northern part.



Photo 13: A view south in the High Street Character Area, from the area in front of the Churchill Theatre.



Photo 14: A view south in the High Street Character Area, from near 98 High Street.



Fig 13: A cropped (top and bottom) extract of the visualisation of the recently approved building at 66-70 High Street, from page 25 of the Design and Access Statement Addendum (November 2020). © Assael Architecture

2.39 At the end of the discussion of the High Street Character Area in the BTCCA Statement, there is a short summary of the very essence of the character of this area:

“The character that the Council wishes to preserve in this character area is that of a fine grained traditional shopping street, with individual shop fronts retained.”

2.40 The Ravensbourne Valley Character Area (**Photo 15**) is discussed on pages 23-24 of the BTCCA Statement. It notes that Church Road runs west from Market Square. At the top of Martin’s Hill, it becomes Glassmill Lane, which sweeps down the hill into the Ravensbourne Valley at Shortlands.



Photo 15: An aerial view NW over the Ravensbourne Valley Character Area, with Church House Gardens in the foreground and the Queensmead Recreation Ground seen in the distance at the top.

2.41 The entrance to Church Road is noted to be framed by the Partridge Public House and the flank of 178 High Street (**Photo 16**).



Photo 16: The entrance to Church Road is framed by the Partridge Public House and the flank of 178 High Street.

2.42 Church Road is said to have “*an open and semi-rural character*” in the BTCCA Statement. I recognise that there is a marked change between bustle and density of the High Street, and the lower density and calmness of Church Road. I found Church Road to be pleasantly verdant, and reasonably quiet, making for an abrupt but pleasant contrast with the High Street. However, I would not describe Church Road as semi-rural in character. The openness is notably found to the south and west only, with the north and east sides of the road very much enclosed and urban in nature. The first three photos below (**Photos 17-19**) show the relatively open and verdant character of Church Road, albeit with terraced houses, some with ground floor shopfronts. The last images (**Photos 20-21**) show some of the very urban influences, e.g. the backs of the large, postmodern commercial buildings on the High Street, and the Telephone Exchange building on Edison Road, which is seen from Church Road. The modern housing blocks at the western end of Church Road also lend the area a more urban feel.



Photo 17: The view west along Church Road from the western part, near the church.



Photo 18: The view west along Church Road from the western part, near the church.



Photo 19: The view east along Church Road from the western end.



Photo 20: The Telephone Exchange building to the north, on Edison Road, seen from Church Road.



Photo 21: The view east along Church Road, at the church.

2.43 The BTCCA Statement describes the view of the church from the High Street, west along Church Road (**Photo 22**), as one of the best in the town centre. The view from Church Road towards Martin's Hill, terminated by a Victorian lodge, is also highlighted.



Photo 22: The view of the church from the High Street, west along Church Road.

2.44 The BTCCA Statement notes that Tetty Way, a service access to the rear of the High Street stores, runs south from Church Road, parallel to the High Street (**Photo 23**). The BTCCA Statement observes that, although the postmodern buildings on the High Street building are large, they are mostly well screened by the trees in Church House Gardens. That is correct, to an extent, although as I have highlighted earlier, the Churchill Theatre can be seen from various places, to various levels of prominence, and the modern large-scale buildings on the west side of the High Street are also quite visible from Church Road (this will fluctuate to an extent, depending on the season).



Photo 23: The view south along Tetty Way from Church Road.



Photo 24: The modern large-scale buildings are also quite visible from Church Road.

2.45 Martin's Hill is again described as retaining a semi-rural character and as a valued recreational asset. The BTCCA Statement also highlights the grade II* listed war

memorial, an obelisk flanked by fine bronze figures representing Victory, Liberty and Peace, and located at the top of the hill (**Photo 25**). The views out of the conservation area from Martin's Hill to the valley below are noted to be of the stone buildings of the grade II listed waterworks and into Shortlands.



Photo 25: The grade II* listed war memorial.

2.46 On the lower slopes of Martin's Hill the openness is noted to be preserved by the playing fields of Valley School, which link through to Beckenham Lane. The War Memorial, Martin's Hill Lodge, the Churchill Theatre and the medieval parish church tower are said to be local landmarks when viewed from within or across Shortlands Valley (it is interesting, and perhaps telling, to note that the modern theatre building here appears to be described in positive terms – it is certainly not highlighted as a detractor or negative feature). **Photo 26** below shows a view from the NW corner of the Queensmead Recreation Ground, in which the church tower, Martin's Hill Lodge, and the Churchill Theatre tower can be seen.



Photo 26: The view from the NW corner of the Queensmead Recreation Ground, in which the church tower and the Churchill Theatre can be seen.

2.47 As before, at the end of the discussion of the Ravensbourne Valley Character Area in the BTCCA Statement, there is a short summary of the essence of the character of this area:

"The character of this area that the Council wishes to preserve is the open/green and semi rural character²."

2.48 The BTCCA Statement has a short section, entitled 'key views' on page 28, and with an accompanying map on page 29 (Figure 10: Key Views, which is reproduced here at **Fig 14**). The text reads:

*"A number of key views into and out of the Conservation have been identified and are included as figure 10 [replicated below at **Fig 14**]. These include views from Martins Hill out to the Ravensbourne Valley, from Queens mead up to the Parish Church and other views within the Conservation Area."*

² For the reasons stated above, I do not consider there is a truly semi-rural character to the Ravensbourne Valley Character Area, but I understand the sentiment behind that, and I would substitute 'semi-rural' with verdant openness.

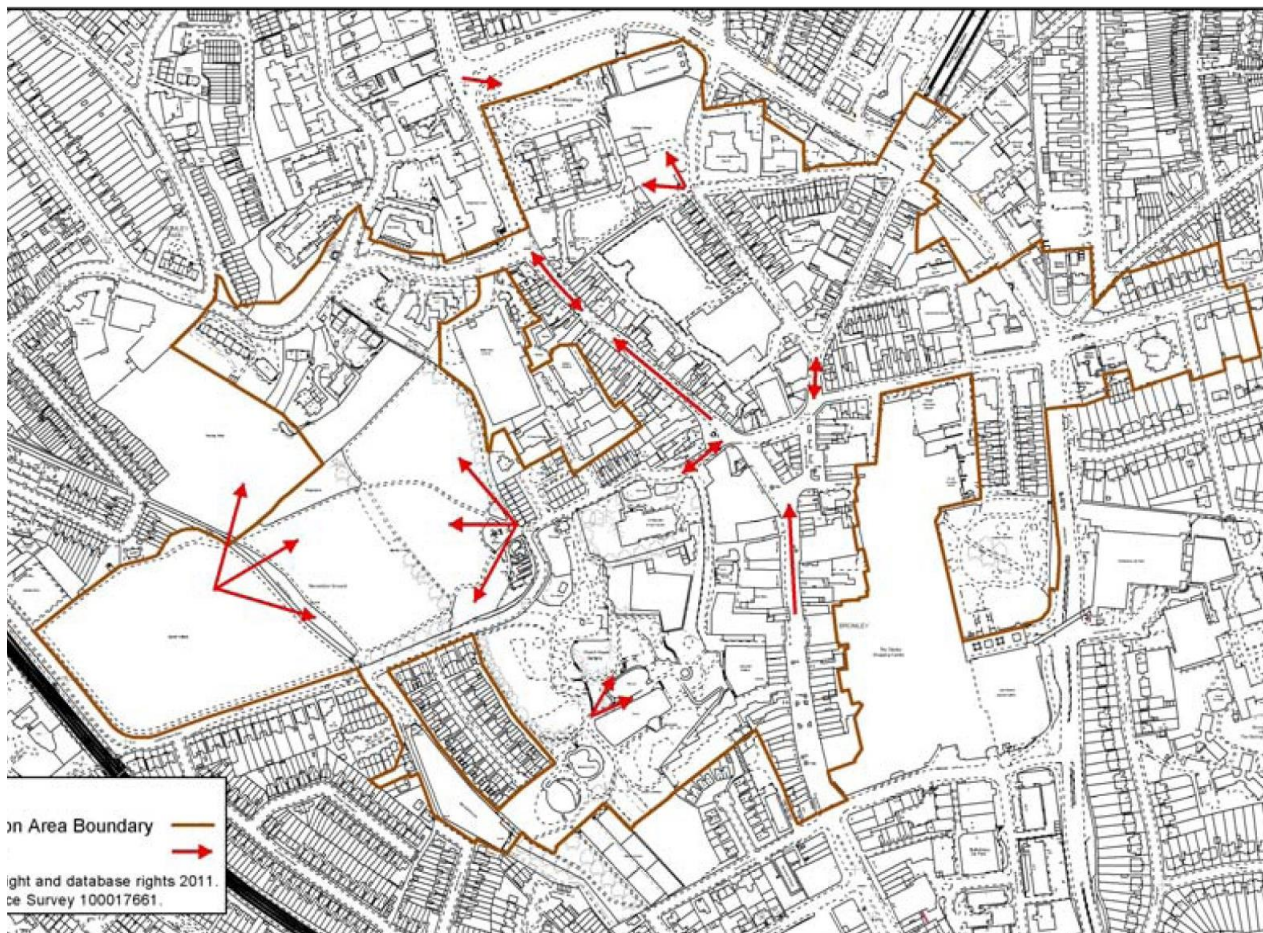


Fig 14: An extract of Figure 10 on page 29 of the BTCCA Statement, showing the key views of the BTCCA.

2.49 None of the key views directly overlook the appeal site. The westernmost has three arrows and one of these point in the broad direction of the appeal site, but it is hard to find the exact spot of the viewpoint when standing on the open ground, and from that location intervening trees obscure/filter views in the direction of the appeal site.

THE CONTRIBUTION OF THE APPEAL SITE TO THE SIGNIFICANCE OF THE BTCCA

2.50 I start with a general observation about the setting of the BTCCA in the round, before I consider the nature and contribution of the BTCCA's setting to the south of the High Street, and the contribution of appeal site, specifically.

2.51 The map below, from the Council's website (**Fig 15**), shows the boundary of the BTCCA. As a general observation, I note that the BTCCA is surrounded by development, mostly suburban in nature, but with more urban areas to the NE, near Bromley North Station, and to the south, including the area between the southern end of the conservation area and Bromley South Station. This manifests as taller buildings that can be seen from within the BTCCA in southerly views, and the general change in the townscape that can be experienced and seen views outward to the south of Ethelbert Road/Elmfield Road (i.e. views outward from the BTCCA).

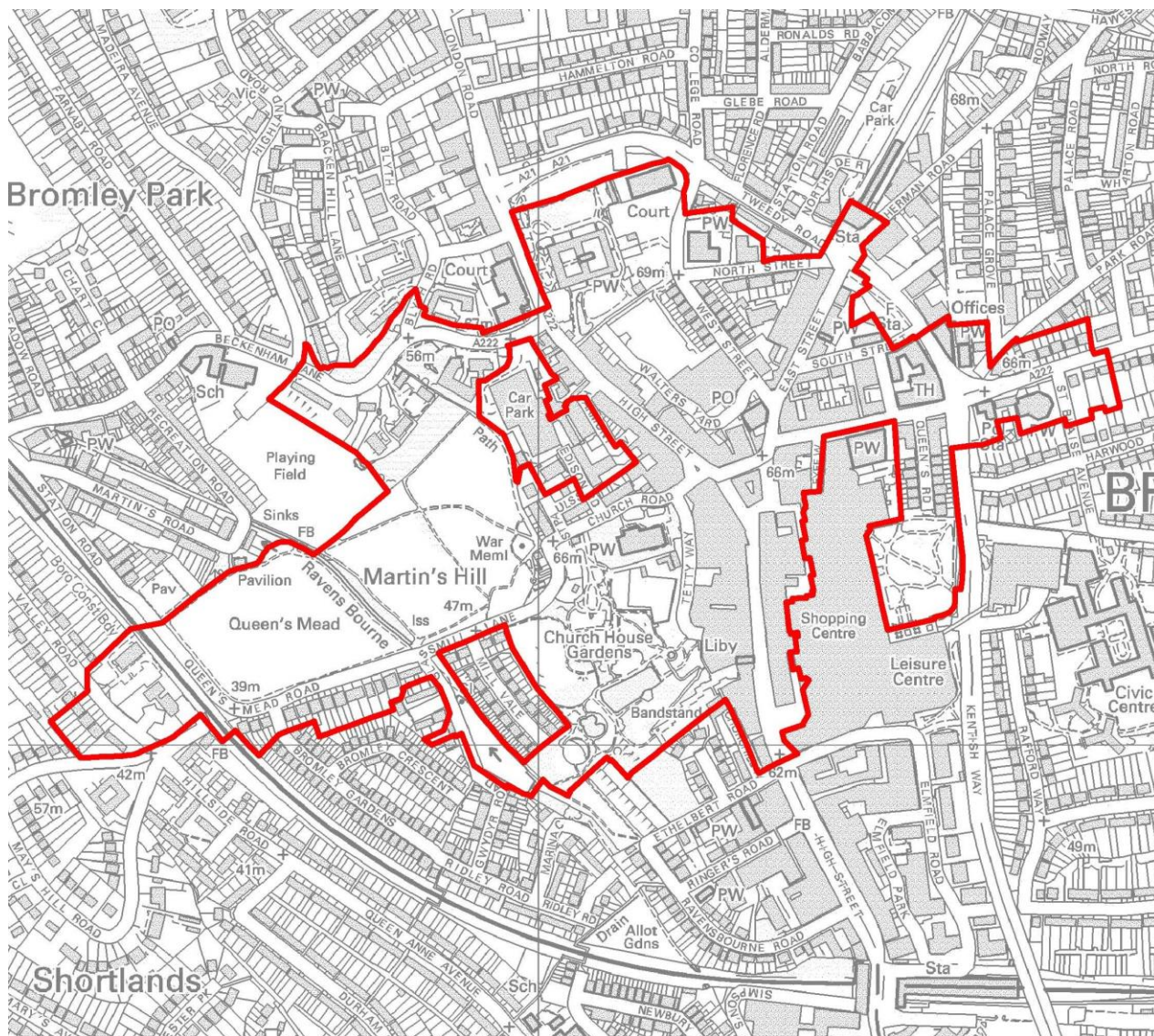


Fig 15: An extract of the BTCCA boundary, from the Council's website.

2.52 It is perhaps useful, at this juncture, to note how the previous Inspector, in considering 66-70 High Street expressed this, at paragraph 12 of the Decision Letter:

"Views south along the High Street from in and around the area of the theatre appreciate the smaller scale of the CA against the larger and more prominent feel to the southern, non pedestrianised end. [...] At this point one can clearly see the 10 storey building at Henry's House and also the mono pitched roof to one of the residential blocks at St Marks. For want of a better way of putting it, these buildings provide a back drop and a context of greater height for the appeal site, when viewed south from within the CA."

2.53 It is clear to me that the BTCCA has an urban setting to the south, which is well-illustrated on **Photo 27** below.



Photo 27: An aerial view southward from the BTCCA showing the modern hinterland of larger scaled buildings to the south, beyond the BTCCA. The approximate southern boundary of the BTCCA across the High Street is shown in a dotted red line.

2.54 When looking at the view southwards from the High Street at the junction with Ethelbert Road/Elmfield Road (i.e. the southern end of the BTCCA) (**Photo 28**), the larger scaled, modern buildings to the south of the BTCCA can be readily appreciated. With the completion of the building for 66-70 High Street, the sense of contrast between the BTCCA and this southern hinterland would be further accentuated.



Photo 28: The view southwards from the High Street at the junction with Ethelbert Road/Elmfield Road (the southern end on the BTCCA).

2.55 By contrast, the southern boundary of the BTCCA is marked by the beginning of the pedestrianised section of the High Street, where the buildings within the conservation area tend to have a stronger rhythm and a finer grain. The large corner building at the SE of the conservation area (excluded from the conservation area boundary), and

the Churchill Theatre, are exceptions. Conversely, 66-70 High Street, which lies just outside the BTCCA, is also an exception as an example of finer grain, historic development to the south of the conservation area, outside its boundary. Generally, however, there is a relatively clear distinction between the BTCCA to the north, and the larger scaled, modern buildings to the south. As I have noted in the historic background above, this is a longstanding and established pattern of development. It is clear to me why the conservation area's southern boundary has been drawn in the way that it has.

2.56 I can also understand why there are no 'key views' identified from within the conservation area, looking south along the High Street, despite it being the kind of channelled/contained linear view that would often tend to be identified as important (**Photo 29**).



Photo 29: The channelled/contained linear view southwards from the High Street.

2.57 The highly urbanised setting to the south of the conservation area, where there is a relatively clear and legible physical distinction between the finer grain townscape of the conservation area and adjoining townscape, does not, in my view, add to, contribute towards, enhance, or reveal the significance of the BTCCA. Views out of the BTCCA to the south provide some context of a different, evolved townscape, but they do not meaningfully contribute to the significance of the conservation area. In this area, where there is a juxtaposition of different townscapes, the role and

contribution of the conservation area's setting to its significance is very limited (as I have noted, the corner building at 66-70 High Street is something of an exception).

- 2.58 However, the quality of the immediately adjoining townscape tends to remain relevant, in influencing how the interface between the two distinct townscapes is experienced. For example, a collection of poor quality buildings immediately adjoining the conservation area may be perceived to harm the quality/character of the conservation area, whereas a high quality adjoining townscape can have the opposite effect, despite there being a contrast in age or style, etc.
- 2.59 Turning then specifically to the appeal site's contribution to the significance of the BTCCA, I find it useful to break this down into two components; the first is the immediate townscape setting of the BTCCA, and the second is the broader role of the appeal site in views from the BTCCA.
- 2.60 The immediate townscape setting of the conservation area can be seen on **Photo 30** below. This is a view outward from the SW corner of the BTCCA, looking away from the conservation area, into the street that has been excluded from its boundary. I do not think this is generally the type of view that can be said to enhance/reveal the significance of the BTCCA, which encapsulates the commercial hub of the High Street. I do not think the appeal site, as part of such views, adds to the significance of the BTCCA, or the ability to appreciate its significance. This location is at the service access area at the back of the High Street fronting buildings; it is an area where the special interest of the conservation area is not appreciable. It is a perfunctory service passage, not unlike any number of such places up and down the country, and it decidedly lacks 'special interest'. It is also a place from where there would be considerable change, on completion of the approved building at 66-70 High Street (on the left of the photo below). That building would quite dramatically accentuate the different townscape immediately beyond the conservation area boundary.



Photo 30: The appeal site (the approximate extent is marked with a red bracket), seen from the edge of the closest part of the conservation area at the junction of Ethelbert Road and Churchill Way.

2.61 In views from Churchill Gardens, as I have already mentioned, there are places where glimpsed views of the taller/larger buildings beyond the conservation area boundary can be seen and again these allude to a different townscape beyond the gardens. To the north of the appeal site, the roofs of the houses on Ethelbert Close can be seen (the degree of visibility is seasonal, to an extent), signifying built form beyond this part of the gardens; the appeal site lies beyond these. In the same area, at the northern end of Churchill Way, is a prominent two storey building (**Photo 31**). There is therefore no illusion that there is development beyond the gardens (both nearby, and further away). Even if there was such an illusion, the approved building at 66-70 High Street would change that; it would be clearly visible where there is a gap in the trees, as can be seen in the view at **Photo 32** below.



Photo 31: The prominent two storey building at the northern end of Churchill Way, seen from the conservation area.



Photo 32: The approved building at 66-70 High Street would be clearly visible where there is a gap in the trees.

2.62 In the broader context/longer views, the low buildings on the appeal site are not visible from the BTCCA. Nevertheless, the appeal site is located within an area where there are large-scale modern buildings in the developments to the south of the BTCCA, which can be seen in the glimpsed views from Churchill Gardens and from the open areas of Martin's Hill and the Queensmead Recreation Ground (e.g. **Photos 33 & 34**).



Photo 33: The view SE from the NW corner of the Queensmead Recreation Ground.



Photo 34: The view SE from the drinking fountain/pavilion in the Queensmead Recreation Ground.

- 2.63 The larger buildings visible from here are seen and understood as modern buildings beyond the conservation area, as part of the very different, large scale, modern, hinterland to the south of the conservation area. I note that the approved building on the site at 66-70 High Street, when completed, would also be visible in these views, as a well-designed new addition to this skyline (e.g. View E, see Mr Hammond's PoE (**CD 9.6**) Volume 1: VuCity Images A-Q).

THE EFFECT OF THE APPEAL PROPOSAL

- 2.64 I start this section with observations made by the Inspector in relation to the approved building at 66-70 High Street, quoted below from the Decision Letter (**CD 7.1**) and with the relevant paragraphs referenced in brackets:

- i. *"The scheme [...] would be the tallest building in the immediate area. Its overall effect would however be reduced by a number of factors. Firstly [...] it would be (visually speaking) in amongst other tall structures."* (paragraph 13).
- ii. *"... the building [would] be stepped back from the High Street and thus, despite its overall height, have a more recessive presence in the street scene."* (paragraph 14).
- iii. *"... when viewed in the context of Henry's House, the proposed building would be two storeys taller which, in context, would not be significant. I accept there is a shifting line in the sand argument in response to this point and one could legitimately say that 14 storeys would then not be hugely different to 12 and so on. There is no doubt a point would come in this debate that height would be excessive but, in regard to the proposals, I do not feel 12 storeys would be so [here it can be noted that the Inspector thought 16 storeys would "push the acceptability of difference too far"]."* (paragraph 14).
- iv. *"There would be wider views of the appeal building, particularly given it would be sited on a raised land level from the southern end of the High Street. It would, as the evidence from third parties suggest, be noticeable above tree heights that sit between Queensmead recreation ground and the appeal site, to the west. Just because something may be visible however, it does not automatically follow that it would be harmful."* (paragraph 15).
- v. *"In the context of the CA, appeal A would have an obvious presence and be a direct contrast to its prevailing scale, to which it owes much of its significance. Again however, as a tall building, that's largely the point."* (paragraph 16).
- vi. *"I appreciate that there is an argument of isolation insofar as it would be spatially separated from the larger scale of buildings to the south, but there would be some visual context for height nonetheless, particularly from Henry's House."* (paragraph 16).

- vii. *“CA’s are not a snapshot in time and modern, sometimes strikingly so, development of scale has its place. The appeal site is not within the CA but any building of such a size would, without a doubt, have an effect on its setting. That said, and for the reasons I have set out above, that effect would not be a negative one. The significance of the CA would thus be preserved. In the wider sense, and referring again to my findings above, the scheme in regard to appeal A would not be harmful to the character and appearance of the area.”*
(paragraph 16)

2.65 In response I note the following of the present appeal proposal:

- i. The present appeal proposal, even in the context of the approved 12 storey building at 66-70 High Street, would be the tallest building in the immediate area. However, in relation to views from the BTCCA, it is located on a site that is around 1.5 storeys below the site of 66-70 High Street, and the tallest proposed building would be behind 66-70 High Street in views from the High Street, so that in perspective it would in closer views appear to be much lower than the approved building for 66-70 High Street (the views are illustrated below, and can also be found at Mr Hammond’s PoE (**CD 9.6**) Volume II), or of similar height in longer views from the recreation ground.
- ii. Much like the approved building for 66-70 High Street, the appeal proposal would be visually set amongst other tall structures when seen from the BTCCA. The approved building for 66-70 High Street can now be added to that context (as it has been in the revised visualisations).
- iii. The massing of the appeal proposal would be further stepped back from the High Street than the approved building for 66-70 High Street and therefore have a more recessive presence in street scenes.
- iv. The Inspector’s comments about the acceptability of a 12 storey building versus that of a 16 storey building can again be seen in the context of a 14 storey building, but one that is set further away from the BTCCA, with a stepped massing and approximately 1.5 storeys lower than the 12 storey building at 66-70 High Street, and consequently appearing much lower than the 12 storey building when seen in views from the High Street.
- v. The appeal proposal, like the approved building for 66-70 High Street, would be visible from the Queensmead Recreation Ground, with Block A at roughly the same height as the approved building (slightly lower). It would be seen from the BTCCA amongst other tall structures (from here the Churchill Theatre appears taller – e.g. View E, see Mr Hammond’s PoE (**CD 9.6**) Volume 1: VuCity Images A-Q), and so it would fit into an existing (and emerging) context of

taller buildings visible from here. It is a well-designed and articulated building that would not be harmful, simply because it is visible.

- vi. The 'argument of isolation' that the Inspector noted in relation to the approved building for 66-70 High Street would be somewhat different with the addition to the appeal proposal, given its proximity to the approved building. The approved building at 66-70 High Street would therefore no longer appear 'isolated'.

2.66 I note that the appeal proposal would not interfere with, or affect, the 'key views' in the conservation area, as identified at Figure 10 of the BTCCA Statement.

2.67 I start with the area in which the appeal proposal would be most obviously visible, i.e. the views outward from the SW corner of the BTCCA, looking away from the conservation area, into the street that has been excluded from its boundary (**Fig 16**).



Fig 16: An extract of a GGI of the appeal proposal from the SW part of the BTCCA at the junction of Ethelbert Road and Churchill Way, with the approved building for 66-70 High Street in a transparent colourwash.

2.68 In the section above I have explained why this is not the type of view that can be said to enhance/reveal the significance of the BTCCA, and why the appeal site, as part of such views, does not add to or reveal the significance of the BTCCA, or the ability to appreciate its significance. The appeal proposal building would be visible as part of the different townscape beyond the BTCCA, but that does not affect the significance of the BTCCA, or the ability to appreciate its significance. In terms of the allegation in the third reason for refusal that the appeal proposal would be 'overly dominant and overbearing' as an addition to the town centre skyline, I would simply highlight that the 'no harm' approved building for 66-70 High Street would be the dominant addition. By comparison, the appeal proposal would appear a relatively modest addition, and it is unclear to me in what way the presence of the appeal proposal would harm the significance of the conservation area in views from here.

2.69 The appeal proposal would be visible, e.g. from the southern part of the High Street (e.g. **Figs 17 & 18**), and in glimpsed views from Church House Gardens (e.g. **Fig 19**), and from Martin's Hill (e.g. **Fig 20**) and the Queensmead Recreation Grounds (e.g. **Fig 21**).



Fig 17: An extract of a GGI of the appeal proposal from the southern part of the High Street, with the approved building for 66-70 High Street in a transparent colourwash.



Fig 18: An extract of a GGI of the appeal proposal from the High Street at the Churchill Theatre, with the approved building for 66-70 High Street in a transparent colourwash.



Fig 19: An extract of a VU.CITY visualisation of the appeal proposal from Church House Gardens (View P), with the approved building for 66-70 High Street in orange. **NOTE:** This view was requested by the Council in the runup to the exchange of evidence. I have used the 'worst case' version of the view, which shows the trees without leaves, although it is important to note that the foreground tree is an evergreen tree.



Fig 20: An extract of a VU.CITY visualisation of the appeal proposal from Martin's Hill (View A), with the approved building for 66-70 High Street in orange.

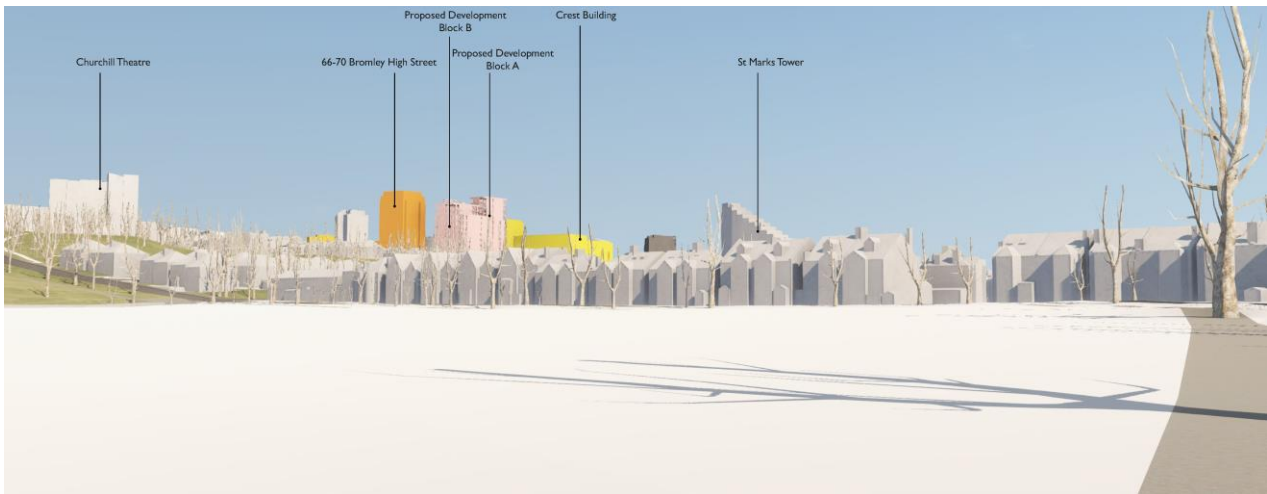


Fig 21: An extract of a VU.CITY visualisation of the appeal proposal from the Queensmead Recreation Grounds (View E), with the approved building for 66-70 High Street in orange.

2.70 As can be seen from the images above, where visible, the appeal proposal would add to the presence and sense of the existing and emerging large-scale modern developments to the south of the BTCCA (in addition to the Churchill Theatre, inside the BTCCA). This would be an addition to an existing and emerging context, but the appeal proposal would neither be 'overly dominant and overbearing' nor 'out of context with its immediate surroundings' in relation to the BTCCA, as has been alleged in the reason for refusal.

- 2.71 I note here that the setting of conservation is an *experiential* concept³. That takes in how this area is *experienced* in relation to those parts that lie outside of it. The experience tends to be kinetic, i.e. the experience is gained when moving around and through the area. Experience takes in more than just views; it takes in the way in which we understand a place, and the way in which we relate one thing to another. I do not think it can reasonably be said that, because there are places where the appeal proposal would be visible, that this would alter the perception of the conservation area, or how it is experienced, understood, or contextualised.
- 2.72 In other words, the existing taller buildings, and the approved building, are already visible and experienced in many parts of the conservation area. Consequently, the experience is that of the finer grain townscape (albeit with the prominent Churchill Theatre), juxtaposed with taller/larger buildings in the hinterland beyond the conservation area. The appeal proposal would add a tall building on the appeal site, which would be seen amongst other examples. Whilst the appeal proposal would add another visible building, in this context I do not think that the nature of the experience, or the way in which the townscape is understood, would be materially different. Fundamentally, the experience would be similar, i.e. that the townscape of the BTCCA would be juxtaposed with a tall building on the appeal site, amongst others, to the south.
- 2.73 There are several examples of tall/large modern buildings that are visible/prominent, or would be when completed, when seen from various places inside the conservation area. There is a notable existing and emerging context of a clear juxtaposition between the townscape of the conservation area, and its hinterland. In this context, it is difficult for me to see how the presence of the appeal proposal could be said to be 'overly dominant and overbearing' or 'out of context with its immediate surroundings' (as alleged in the third reason for refusal).
- 2.74 In conclusion, I have found no harm to the conservation area due to the appeal proposal.
- 2.75 In the next section of my Proof, I turn specifically to matters raised in the OR and the Council's SoC.

³ See the definition of setting at Annex 2 of the NPPF.

3.0 DETAILED COMMENTARY ON THE OR AND THE COUNCIL'S SOC

3.1 In this section I first consider the Officer's Report (**CD 3.3**), with my responses to the issues raised, and I then do the same for the Council's SoC (**CD 10.1**).

Officer's Report (CD 3.3)

3.2 The OR for the appeal proposal adds detail to Officers' rationale for recommending refusal of the appeal proposal. I draw attention to the following matters, which I consider to be relevant. In each case, I follow this by noting the implications, or my reasons for disagreeing with Officers.

3.3 Paragraph 3.5 notes that a redevelopment proposal for a building of up to 12 storeys on the nearby corner site, at 66-70 High Street, approximately 23m to the east of the appeal site (LPA ref. 19/04588/FULL1), was refused. This was also due to the "*scale, bulk, massing, materials and design*" which the Council alleged would appear "*overly dominant and out of keeping with the immediate surroundings, and would be harmful to Bromley Town Centre Conservation Area and the surrounding area*". That application was, however, approved on appeal (APP/G5180/W/21/3285586).

3.4 The Inspector found that the building would preserve the significance of the conservation area, rather than being "*overly dominant and out of keeping*" as Officers alleged. The Inspector's findings as to the acceptability of a tall building of comparable height, on a site that is located closer to the conservation area than the appeal site, and also visible from the BTCCA (for the most part much more visible) seems highly relevant to this case. The approved, 'no harm' building can be seen on the visualisations at **Figs 22-24** below.



Fig 22: An extract of a GGI of the appeal proposal from the southern part of the High Street, with the approved building for 66-70 High Street in a transparent colourwash.



Fig 23: An extract of a GGI of the appeal proposal from the High Street at the Churchill Theatre, with the approved building for 66-70 High Street in a transparent colourwash.



Fig 24: An extract of a VU.CITY visualisation of the appeal proposal from the southern part of the High Street (View Q), with the approved building for 66-70 High Street in orange. **NOTE:** This view was requested by the Council in the runup to the exchange of evidence.

3.5 I cannot speak to what Officers may have had in mind, although as I note below, there is evidence to suggest that perhaps Officers at the time fundamentally misunderstood what they were assessing (see my comments on paragraph 6.5.16 of the OR below). However, when looking at the visualisation above, and when reading the wording of the first reason for refusal together with that⁴ I cannot understand how the appeal proposal could reasonably be described as an “*overly dominant and overbearing addition to the town centre skyline*”. Instead, it seems to me as though it is the approved ‘no harm’ building at 66-70 High Street that would dominate the appeal proposal.

3.6 Section b) of the OR, which deals with external consultation responses (both the page and the paragraphs are unnumbered in the OR, but this can be found on PDF page 24 of the OR) notes the objection from the Advisory Panel for Conservation Areas (APCA). This states that views from the BTCCA would be harmed and that the “*objections are the same as those for the immediately 70 High Street*”.

3.7 As above, the Inspector’s findings as to the acceptability of a tall building of comparable height, on a site that is located closer to the conservation area than the appeal site,

⁴ “... by reason of its siting, height, scale, massing and appearance 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 ...”

and also visible from the BTCCA, seems highly relevant to this case. I do not cover this point again.

- 3.8 The APCA's objection includes the Shortlands Village CA (PDF page 24 of the OR first paragraph). However, I note that the Council did not consider the Shortlands Village Conservation Area (the 'SVCA') would be harmed. The Shortlands Residents' Association (SRA) also objected, and this is summarised on PDF page 25 of the OR, where it is said that the appeal proposal would be "*excessively prominent and visible from considerable distances, for example from the Recreation Ground and almost anywhere in Shortlands*".
- 3.9 I have not covered the SVCA in my assessment, but I have visited it and I have reviewed the background information, and I have seen visualisations of the appeal proposal from the SVCA. I agree with Officers that there would be no harm to the SVCA and I reserve the right to respond to allegations of harm to the SVCA, should such allegations be made in evidence.
- 3.10 Paragraph 6.5.2 of the OR notes that the existing buildings on the appeal site are not listed and their heritage value is limited. I agree with this, and I note that there is no objection in relation to this matter, which I do not consider further.
- 3.11 Paragraph 6.5.13 states that the Council's Conservation Officer considered 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*".
- 3.12 I would highlight that the BTCCA Statement describes the town centre as a "*former market town*" and notes that it has been 'transformed'; the "*commercial success of Bromley Town Centre altered the character of Bromley as a market town.*" The BTCCA Statement notes that, as far back as 1894, Bromley had become an Urban District. It is described in the BTCCA Statement as a "*busy suburban centre*" and "*the principal retail and commercial centre in the borough [obviously, a London borough]*". Given this, and the observations I have made in the previous section, it seems odd to me that the Council's Conservation Officer appears to have still treated the BTCCA as though it were a "*modest market town*".
- 3.13 It is perhaps because the Conservation Officer thought of the BTCCA as a 'modest market town' that the said harm was ascribed, although that does not reflect the reality on the ground, or explain the visibility of other taller buildings from and within the

'modest market town' and it does not reflect the Inspector's conclusions in relation to 66-70 High Street.

- 3.14 From my own experience of the conservation area and its setting, and judging from how the Inspector has treated the 12 storey building at 66-70 High Street in the setting of the conservation area, I think the phrases "*over-dominant*" and "*visually overwhelm*" that were used in the OR have been used incorrectly; both could instead be substituted with the word "*compatible*"⁵. I do not see why the appeal proposal would be anything but compatible with this part of the setting of the conservation area. Because of that, I cannot see why, or how, there would be any harm to the significance of the conservation area.
- 3.15 Paragraph 6.5.15 states that the Council's Conservation Officer considered that the "*resulting cluster of the high-rise buildings would cause less than substantial harm to the setting*" of the BTCCA. According to paragraph 6.5.13 of the OR, the Council's Conservation Officer considered that the proposal, alongside the existing and other emerging tall buildings in this location, including the approved building for the re-development at 66-70 High Street, would cause a "*negative cumulative impact*" against Historic England's guidance on the setting of heritage assets.
- 3.16 I think it is important to look at what Historic England's guidance on setting (**CD 8.22**, see also my **Appendix 2**) actually says about cumulative impacts. This can be found on the right hand column, in the middle of page 4, and it starts by stating:
- "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, 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 [my emphasis]."*
- 3.17 We know that the Council's Conservation Officer considered that the approved building at 66-70 High Street was harmful. But that was not the Inspector's finding. In the words of Historic England's guidance, this is not a case where the significance of the BTCCA would be compromised by the approved building at 66-70 High Street. There is, therefore, no baseline accumulation of harm to be considered, alongside the appeal proposal. The baseline cumulative position is neutral. When noting that, in the views from the High Street, the approved building at 66-70 High Street would be so much more visible than the appeal proposal, it is very hard for me to understand how or why it is that this accumulation of harm is said to occur, given that the larger and more

⁵ The Oxford Dictionary definition of compatible is "*able to exist or be used together without causing problems*".

prominent building in the views is not at all harmful. I cannot comment further on this, in the absence of evidence to explain the cause of the alleged cumulative harm.

- 3.18 Paragraph 6.5.17 notes that Officers acknowledge the topography falls away from the High Street (and the boundary of the conservation area) towards the site. It is noted that this would help to reduce the impact of the proposed buildings. Nevertheless, both blocks would be visible above buildings in the BTCCA along the High Street. Officers considered that the proposed height, scale and massing of the proposal would negatively impact on the setting of the BTCCA by "*causing visual harm by dominating views within [the BTCCA]*". The views "*mentioned above*" are noted in paragraph 6.5.16 to be "*unverified views of the proposals from within the Conservation Area – viewpoints F and G shown below (Figs 11 and 12)*". According to paragraph 6.5.17 these views "*demonstrate this impact, with views from the High Street being particularly harmful [my emphasis]*".
- 3.19 There are two implications to this paragraph. Firstly, the relevance of the topography. I have covered this in my assessment of the BTCCA; the topography means there is a difference of approximately 1.5 storeys between the ground level of the appeal site, and that of the corner building on the high Street (i.e. 66-70 High Street). In other words, the storey heights of the appeal proposal, when seen from the High Street and the surrounding area, would appear 1.5 storeys lower than the building that has been granted permission on 66-70 High Street. Combined with the siting of the appeal proposal and the effect of perspective, this means that, from the High Street, the appeal proposal would be seen as much lower and more recessive than the approved building at 66-70 High Street.
- 3.20 The second implication is in relation to the views that were considered in the OR, and which were said to "*demonstrate*" the impact of the appeal proposal. Those views are shown at Fig.11 and Fig.12 on PDF page 64 of the OR. I note here that the 'development' shown on those images is not the appeal proposal. Those images were used to test the acceptability of different storey heights on the surrounding townscape; that is why the storeys were shown as different colours. The height of the taller building in those images is 19 storeys. That is five storeys taller than the appeal proposal. I could find no reference to that in the OR. It therefore seems to me that Officers fundamentally misunderstood what they were looking at, and that they mistakenly understood the tallest building of the appeal proposal to be five storeys taller than the proposed building would actually be (the lower block on those images is shown a storey taller than the appeal proposal).

- 3.21 Paragraph 6.5.18 states that the Churchill Quarter application had been withdrawn, and the indicative massing of the Churchill Quarter proposals in the TVIA document was therefore irrelevant. This is of course correct. Conversely, however, the Inspector's findings as to the acceptability of a tall building of comparable height on the site at 66-70 High Street, remains highly relevant. It is a site located closer to the conservation area than the appeal site, and the views that have been produced demonstrate that, where seen from the BTCCA, the appeal proposal would be visually lower than the approved building at 66-70 High Street (this latter approved building would in fact be the dominant presence when seen in many views from the conservation area – see Views M, O and Q at Mr Hammond's PoE (**CD 9.6**) Volume I: VuCity Images A-Q). Although that seems highly relevant to me, I have found nothing in the OR's assessment of impacts on the BTCCA that implies that Officers took into account that this development was found to preserve the significance of the BTCCA as part of their assessment, and/or that this had informed their assessment of the appeal proposal.
- 3.22 **Conclusion:** Having gone through the OR, I have found no substance to Officers' assessment of the appeal proposal, or evidence in support of their conclusions about harm to the significance of the BTCCA.

The Council's Statement of Case

- 3.23 The Council's Soc (**CD 10.1**) provides more detail as to the Council's case in relation to the BTCCA, at paragraphs 6.42-6.47. As before, I draw attention to the following matters and, in each case, I provide my response.
- 3.24 At paragraph 6.42 it is said that the BTCCA forms part of the wider townscape, and therefore the impact of the appeal proposal on the character and appearance of 'the setting' must be considered.
- 3.25 It is not clear to me whether this part of the SoC was written by a heritage professional, who is versed in what it is that they need to assess. As I have set out in **Appendix 2**, and as is clear from both the NPPF and Historic England's guidance on setting *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (GPA 3) (**CD 8.22**):
- i. an impact is not to be equated with harm, and
 - ii. harm is not assessed against the "character and appearance of the setting" but against the significance of the heritage asset. Indeed, as paragraph 9 of GPA 3 states, setting "is not itself a heritage asset, nor a heritage designation".

- 3.26 I find it concerning that even at the point of stating its case, the Council appears to have misunderstood the fundamentals of both what it alleges is being harmed (i.e. the significance of the BTCCA), and why (i.e. by equating an 'impact' with 'harm').
- 3.27 According to paragraph 6.42, the cumulative impact from the proposed development, when read alongside the approved building at 66-70 High Street, must also be considered. The Council is clear that the relevance of the approved building at 66-70 High Street is not a matter of discretion: it must be considered.
- 3.28 It follows that the Inspector's findings as to the acceptability of this same tall building, of comparable height on a site that is located closer to the conservation area than the appeal site, and for the most part much more visible from the BTCCA, is highly relevant to this case. It seems to me that the Council now accepts that the approved building for 66-70 High Street does not cause harm, but maintains that somehow, the visibility of the appeal proposal in conjunction with it would be harmful. I have some difficulty in understanding why it is that the Council considers the appeal proposal would cause 'cumulative harm'. In other words, it seems as though the Council's case is that seeing the larger and more prominent approved building for 66-70 High Street from the BTCCA is not harmful, but there is somehow unacceptable harm in seeing an adjacent building that would be a good deal smaller than it, and as part of a hinterland townscape that contains other large scale modern developments. The visualisations shows this to be an illogical point; I cannot comment further on this until I have seen the Council's evidence.
- 3.29 According to paragraph 6.43, Officers acknowledge that the topography of the site falls away from the High Street and the conservation area boundary, however, both blocks of the appeal proposal would still have "*a visual impact rising above buildings along the High Street as demonstrated in views F and G*".
- 3.30 This appears, again, to be an example of where the Council immediately equates visibility with harm. That contradicts the Inspector's findings in relation to 66-70 High Street⁶ (which would, from the same viewpoints, be far more visible and 'dominant' (in the Council's phraseology - not a word that I would have chosen)). I have covered this in my assessment, and in the points above, and I do not repeat that here.

⁶ Paragraph 15 of the Decision Letter: "*There would be wider views of the appeal building, particularly given it would be sited on a raised land level from the southern end of the High Street. It would [...] be noticeable above tree heights that sit between Queensmead recreation ground and the appeal site, to the west. Just because something may be visible however, it does not automatically follow that it would be harmful.*"

- 3.31 It is said at paragraph 6.44 of the Council's SoC that "*the assessment of the [appeal proposal's] visual impact on the Conservation Area relies on the scale and massing of hypothetical buildings (Churchill Quarter) to mask/offset the extent of the prominence and visual impact of the blocks (evident in viewpoints A and F)*".
- 3.32 I note firstly that it is barely possible to see any of the buildings in the BTCCA properly in View F. It is not a view in which the significance of the conservation area can be properly understood (the building in the conservation area that stands out most from here is the Churchill Theatre). Conversely, it is a view from a location where it is abundantly clear that there is a very different hinterland with large, modern buildings to the south of the BTCCA. The appeal proposal would be largely blocked by the Crest Building in View F, in any event. I am not sure why this view, outside of the BTCCA, is referred to at all and I await the evidence that would explain that.
- 3.33 The visualisations produced at the time of submission showed the Churchill Quarter buildings, which was a live application under determination at the time. I would have expected the buildings to be shown. The visualisations have rightly now been updated to omit the Churchill Quarter, but to show the now approved development at 66-70 High Street, which:
- i. in the Council's own words "*must also be considered*", and
 - ii. was recently found by the Inspector to preserve the significance of the BTCCA, i.e. it would cause no harm.
- 3.34 I therefore do not think it can reasonably be said that the appeal proposal relies in on 'the scale and massing of hypothetical buildings' for its acceptability.
- 3.35 According to paragraph 6.45, Officers consider that the proposed height, scale and massing would "*negatively impact on the setting*" of the BTCCA causing a "*negative cumulative impact and visual harm by dominating views within particularly from the High Street to the detriment of the character of the area [my emphasis]*."
- 3.36 It is again not clear to me whether this part of the SoC was written by a heritage professional who is versed in what they need to assess. Harm is not assessed against the 'setting' but against the significance of the heritage asset.
- 3.37 More to the point, when looking at the CGI of the appeal proposal from the High Street (**Figs 25-27** below), juxtaposed with the 'no harm' approved building at 66-70 High Street, it seems to me as though it is the appeal proposal that would very much be 'dominated' or visually overwhelmed by the 'no harm' approved building at 66-70 High

Street. I refer the Inspector also to Views M, O and Q at Mr Hammond's PoE (CD 9.6) Volume I: VuCity Images A-Q). Again, in these views from the High Street, the appeal proposal would be very much subservient to the 'no harm' building. Given that this building was found to cause no harm to the significance of the BTCCA, I cannot understand why it is that the Council considers the appeal proposal to be an "overly dominant and overbearing addition to the town centre skyline" (as per the wording of the third reason for refusal).



Fig 25: An extract of a GGI of the appeal proposal from the southern end of the High Street, with the approved 'no harm' building for 66-70 High Street in a transparent colourwash.



Fig 26: An extract of a GGI of the appeal proposal from the High Street at the Churchill Theatre, with the approved 'no harm' building for 66-70 High Street in a transparent colourwash.



Fig 27: An extract of a VU.CITY visualisation of the appeal proposal from the southern part of the High Street (View Q), with the approved building for 66-70 High Street in orange. **NOTE:** This view was requested by the Council in the runup to the exchange of evidence.

3.38 It is said at paragraph 6.43 of the Council's SoC that the "blank eastern elevation of Block B" of the appeal proposal would be "particularly prominent". I firstly note that it is grossly simplistic to imply, or suggest, that the appeal proposal would manifest as a 'prominent blank wall' in views from the conservation area. I refer specifically to the detailed CGI extracts below (Figs 28 & 29), which are cropped versions of the same views of the appeal proposal from the High Street as at Figs 25 & 26 above. It is important to highlight that these are detailed, cropped extracts specifically showing the appeal proposal, which do not represent the actual views (refer to Figs 25 & 26 above).



Fig 28: A detailed extract of the CGI of the appeal proposal from the southern end of the High Street (Fig 25 above), but without the approved building for 66-70 High Street. The eastern elevation of Block B is highlighted with a dotted red line.



Fig 29: A detailed extract of the GGI of the appeal proposal from the High Street at the Churchill Theatre (Fig 26 above), but without the approved building for 66-70 High Street. The eastern elevation of Block B is highlighted with a dotted red line.

3.39 These images do not show “*particularly prominent*” or expanses of unrelieved blank wall from the BTCCA. It shows instead how the proposed flank wall of Block B is a relatively small part of the appeal proposal that does not stand out as especially prominent. It has corner windows and balconies, and articulation, such that this would simply be understood as part of the well-designed and detailed modern buildings in the view, which adds an element of some interest in its own right, as a layer of new townscape beyond the conservation area. I cannot understand why the Council would consider that seeing this well-articulated elevation obliquely from the BTCCA is something that is somehow inherently harmful, or unacceptable. Again, I cannot comment further on this until I have seen the Council’s evidence on this point.

3.40 I note that the Inspector made favourable comments regarding the design of the approved building for 66-70 High Street. Here, I would simply highlight that the appeal proposal was designed by a multiple award winning architectural practice, and the appeal proposal references contextual materials, with a good degree of fine detailing and interplays between recesses, solid and void, such that it would be an addition of considerable quality and interest to the local townscape, when seen from BTCCA. The

design of the proposed building is ordered, rational and of a high standard, using high quality, contextually appropriate materials and good detailing, including relief-work. In this context, I cannot understand why it is that seeing this high quality building from within the conservation area would be harmful.

- 3.41 At paragraph 6.46 it is said that the application site/appeal proposal does not share the same characteristics as the approved building at 66-70 High Street. Paragraph 16 of the appeal decision is quoted, amongst other things (stepped form and siting), which the Council notes to be different.
- 3.42 When looking at what the Inspector said at paragraph 16 of the appeal decision, there is a good deal more that is relevant than what the Council selectively quotes in the SoC (e.g. that there is an argument of isolation in relation to 66-70 High Street, which the present appeal proposal would undoubtedly ameliorate, and that modern, sometimes strikingly so, development of scale has its place in the context of conservation areas, and that any building of such a size would, undoubtedly have an effect on its setting, but that effect would not be a negative one).
- 3.43 More to the point, the quoted text seems to me to set out how the inspector articulated the difference between the development that he allowed (Appeal A, which retained the corner building), and the development that he dismissed (Appeal B, which sought demolition for the corner building). The comments in relation to the retention of the frontage of the retained corner building is primarily relevant when read in that context.
- 3.44 It is also relevant, inasmuch as the Inspector specifically identified the retained corner building as a "*non designated heritage asset in itself*" (paragraph 7) and as a building that "*contributes positively to the character and appearance of the [conservation] area*" (paragraph 9). It does not surprise me at all to see that the Inspector considered the loss/retention of this building to be relevant to the determination of the two proposals, one of which would have seen it being demolished. But that is plainly irrelevant to the present appeal site, which does not contain such a building.
- 3.45 I have no difficulty agreeing with the Council that the two sites are not the same. But what I do not understand is how the retained corner building at 66-70 High Street is relevant to the harm that the Council alleges in this case, namely that the appeal proposal would "*appear as an overly dominant and overbearing addition to the town centre skyline*" and cause harm due to its "*siting, height, scale, massing and appearance*" (the wording is quoted from the third reason for refusal). It is not possible to see the lower parts of the appeal proposal in views from the High Street, or any views from the conservation area – other than when looking away from the SW corner of the

conservation area (View K at Mr Hammond's PoE (**CD 9.6**) Volume I: VuCity Images A-Q). If it is the Council's case that this difference between the approved building at 66-70 High Street and the appeal proposal means that one causes no harm, whilst the other is harmful (and bearing in mind the wording of the reason for refusal), I have seen no substantiating evidence to that effect, and I cannot follow the Council's reasoning on that point.

- 3.46 Finally, paragraph 6.47 of the Council's SoC appears to draw comfort from the GLA Stage 2 Report's assessment of the appeal proposal. I note firstly that the GLA Stage 1 Report (**CD 3.2**) states at paragraph 53 that "*Further views analysis is required before GLA officers can confirm if any harm would be caused to the Conservation Area [my emphasis]."*
- 3.47 The GLA Stage 2 Report (**CD 3.5**) states at paragraph 49 that "*the blank eastern elevation of the Ethelbert Road block would be particularly prominent, and both blocks would rise above buildings along the High Street.*" As a matter of fact, the first part of the sentence is incorrect, and the second part is correct, but this contains no analysis.
- 3.48 Paragraph 50 of the GLA Stage 2 Report then repeats what is stated in the Council's Committee Report. There is no analysis that I can see, and it appears from paragraph 51 that the GLA Officer then took this at face value, with no analysis from the GLA, stating simply that "*The harm caused to heritage assets...*". To the extent that the Council seeks to draw comfort from the GLA Stage 2 Report's assessment of the appeal proposal, this is not based on any explanation or analysis. There is nothing that I can see in the GLA Stage 2 Report that indicates the appeal proposal would be harmful; all that the GLA Stage 2 Report correctly states is that in views from the BTCCA, the appeal proposal would be seen behind the buildings on the High Street, and that is illustrated on **Figs 25 & 26** above and the VU.CITY images of Viewpoints M, O and Q at Mr Hammond's PoE (**CD 9.6**) Volume I: VuCity Images A-Q).
- 3.49 As I have already highlighted, the previous Inspector correctly observed in relation to the approved building at 66-70 High Street that, being visible from the conservation area, does not mean there is harm. The same holds true for the appeal proposal, which is subservient to the approved building at 66-70 High Street when seen in views from the High Street in the BTCCA.
- 3.50 I do not see any reasoning in the GLA Stage 2 Report that goes beyond what is stated in the Council's Committee Report, and I have already dealt with that. To the extent that the Council seeks to draw comfort from the GLA Stage 2 Report, that is not underpinned by any analysis.

3.51 **Conclusion:** Having gone through the Council's SoC in some detail, the logic behind the reason for refusal remains unclear to me – unless the Council's case is simply that the visibility of a tall building from the BTCCA is inherent harmful, and that the height, scale and massing of the approved building at 66-70 High Street was somehow made irrelevant by the retention of the existing low level corner building, which was also part of that proposal.

4.0 SUMMARY AND CONCLUSIONS

INTRODUCTION, BACKGROUND AND KEY HERITAGE ISSUE

- 4.1 I am Ignus Froneman, Director at Cogent Heritage. I hold a degree in architecture; I am an Associate member of the Chartered Institute for Archaeologists (ACIfA) and a member of the Institute of Historic Building Conservation (IHBC). I have over 20 years of experience in the historic built environment, which I set out in the introduction of my main evidence.
- 4.2 I became involved in the appeal proposal after its refusal, when I was asked to consider the appeal proposal independently and support it with an assessment, based on my findings following a site visit and case review. Having done that, I was able to confirm my willingness to act as the Appellant's heritage witness.

THE SIGNIFICANCE OF THE CONSERVATION AREA

- 4.3 Bromley Town Centre has origins as a former market town, a former hilltop settlement that was built on a plateau, with the Ravensbourne Valley to the west. By 1894, Bromley had become an Urban District and around this time a node of civic buildings developed around the Market Square area. The town centre has been transformed from a small market town to a busy suburban centre, connected by two railway lines and now containing the principal retail and commercial centre in the borough, as well as the borough's administration centre. In the mid to late C19, carefully considered and ornately detailed commercial buildings often replaced the older, vernacular properties of the market town. The conservation area today encapsulates much of the town centre.
- 4.4 There has been major redevelopment in the latter part of the C20, which has brought positive change to the town centre, but this has also changed the character and fabric of the BTCCA, and its hinterland. Within the BTCCA, the Churchill Theatre is the tallest and most prominent of these.
- 4.5 Much of the green space in the BTCCA is located along the escarpment and valley to the west of the town centre. The green open spaces make an important contribution to the BTCCA. The Bromley Local Board (predecessors to the Council) bought Martin's Hill in 1878 and it has remained in public use. Church House Gardens is extensively landscaped and well-treed, and has the appearance of a municipal park. The topography and trees limit extensive outward views from the gardens, though

some of the taller surrounding buildings, both within the BTCCA (the Churchill Theatre) and beyond, can be seen at various places. This is mostly in glimpsed views but the Churchill Theatre, the closest of these, is the most visible.

- 4.6 The BTCCA encapsulates an area of archaeological interest, which is part of its significance.
- 4.7 The BTCCA Statement breaks the conservation area down into seven character areas; the closest of these, and the most relevant to the appeal site/proposal are the central section of the High Street, and the Ravensbourne Valley.
- 4.8 The Central High Street Character Area extends from Ethelbert Road/Elmfield Road in the south, to Market Square in the north. This section of the High Street has a varied character, but it is united by well-established commercial buildings and uses, with shopfronts, and an almost continuous enclosure to both sides of the street. This creates a well-defined, lively, linear urban environment that hangs together despite the variety in building heights, ages, styles and scales. There is the sense of a relatively fine grain, in places due to the relatively small commercial units even on some of the larger buildings, which tends to break down the perceived townscape grain, at least at the pedestrian level.
- 4.9 The remaining historic buildings are a mixture of early and late C19, early to mid C20 buildings. The western side of the High Street notably contains large plots with uncompromising postwar buildings of modern design. There is much variety of shopfronts, building ages and designs, as well as materials and roof forms.
- 4.10 According to the BTCCA Statement, the character that the Council wishes to preserve in this character area is that of a fine grained traditional shopping street, with individual shop fronts retained.
- 4.11 The Central High Street Character Area is not experienced as isolated from the larger scale, modern hinterland to the south. The southerly views down the High Street are terminated by the neo-Georgian building at 76-82 High Street, but above this the taller buildings outside the BTCCA, can clearly be seen to introduce a different and obviously visible townscape context beyond the conservation area. The approved building at 66-70 High Street would also feature strongly in southerly views down the High Street, where it would become something of a landmark for the modern hinterland beyond the BTCCA.

- 4.12 The Ravensbourne Valley Character Area takes in Church Road, which runs west through the Ravensbourne Valley Character Area from Market Square. At the top of Martin's Hill it becomes Glassmill Lane, which sweeps down the hill into the Ravensbourne Valley. The BTCCA Statement describes Church Road as semi-rural, though I would not describe it as such.
- 4.13 The BTCCA Statement describes the view of the church from the High Street, west along Church Road, as one of the best in the town centre. The view from Church Road towards Martin's Hill, terminated by a Victorian lodge, is also highlighted.
- 4.14 The character of the Ravensbourne Valley Character Area that the Council wishes to preserve is the open/green and 'semi rural' character.
- 4.15 None of the key views identified in the BTCCA Statement directly overlook the appeal site.

THE CONTRIBUTION OF THE APPEAL SITE TO THE SIGNIFICANCE OF THE BTCCA

- 4.16 The BTCCA is surrounded by development. This is mostly suburban, but with more urban areas to the NE and to the south, including the area between the southern end of the conservation area and Bromley South Station. This manifests as taller buildings that can be seen from within the BTCCA in southerly views. The BTCCA therefore has an urban setting to the south, where a general change in the townscape can be experienced and seen in outward views.
- 4.17 The introduction of large footprint buildings to the south of Ethelbert Road can already be seen on 1940 aerial photos. The distinction in the townscape between the BTCCA, and the area to the south already existed by that time, although it is now accentuated by larger and taller modern buildings.
- 4.18 In views southwards from the southern part of the BTCCA, the larger scaled, modern buildings to the south can be readily appreciated. With the completion of the building for 66-70 High Street, the sense of contrast between the BTCCA and this southern hinterland would be accentuated.
- 4.19 The highly urbanised setting to the south of the conservation area, where there is a relatively clear and legible physical distinction between the finer grain townscape of the conservation area and adjoining townscape, does not, in my view, add to, contribute towards, enhance, or reveal the significance of the BTCCA. Views out of

the BTCCA to the south provide some context of a different, evolved townscape, but they do not meaningfully contribute to the significance of the conservation area. The role and contribution of the corner building at 66-70 High Street is something of an exception (this building's facades would be retained as part of the approved development at 66-70 High Street).

- 4.20 The appeal site is visible in views outward from the SW corner of the BTCCA, looking away from the conservation area to the street that has been excluded from its boundary. I do not think this is generally the type of view that can be said to enhance/reveal the significance of the BTCCA, which is not appreciable at this location. The appeal site, as part of such views, does not add to the significance of the BTCCA, or the ability to appreciate its significance.
- 4.21 From Churchill Gardens, there are places where glimpsed views of the taller/larger buildings beyond the conservation area boundary can be seen and again these allude to a different townscape beyond the gardens.
- 4.22 In the broader context/longer views, the low buildings on the appeal site are not visible from the BTCCA. Nevertheless, the appeal site is located within an area where there are large-scale modern buildings in the developments to the south of the BTCCA, which can be seen in the glimpsed views from Churchill Gardens and from the open areas of Martin's Hill and the Queensmead Recreation Ground. These are seen and understood as modern buildings beyond the conservation area, as part of the very different, large scale, modern, hinterland to the south of the conservation area. The approved building at 66-70 High Street, when completed, would also be visible in these views, as a well-designed new addition to this skyline.

THE EFFECT OF THE APPEAL PROPOSAL

- 4.23 The appeal proposal would be the tallest building in the immediate area. However, in relation to views from the BTCCA, it is located on a site that is approximately 1.5 storeys below the site of 66-70 High Street. The tallest proposed building would be behind 66-70 High Street in views from the High Street, so that in perspective it would, in closer views, appear much lower than the approved building for 66-70 High Street, or of similar height in longer views from the recreation ground.
- 4.24 Much like the approved building for 66-70 High Street, the appeal proposal would be visually set amongst other tall structures when seen from the BTCCA.

- 4.25 The massing of the appeal proposal would be further stepped back from the High Street than the approved building for 66-70 High Street and therefore have a comparatively more recessive presence in street scenes.
- 4.26 The Inspector's comments about the acceptability of a 12 storey building versus that of a 16 storey building can be seen in the context of the 14 storey appeal building, but one that is set further away from the BTCCA, with a stepped massing and approximately 1.5 storeys lower than the 12 storey building at 66-70 High Street, and consequently appearing much lower than the 12 storey building in views from the High Street.
- 4.27 The appeal proposal, like the approved building for 66-70 High Street, would be visible from the Queensmead Recreation Ground, with Block A at roughly the same height as the approved building. It would be seen amongst other tall structures, and so it would fit into an existing (and emerging) context of taller buildings visible from here. It is a well-designed and articulated building that would not be harmful, simply because it is visible.
- 4.28 The appeal proposal would not interfere with, or affect, the 'key views' in the conservation area, as identified at Figure 10 of the BTCCA Statement.
- 4.29 Where visible, the appeal proposal would add to the broader presence and sense of the existing and emerging large-scale modern developments to the south of the BTCCA (in addition to the Churchill Theatre inside the BTCCA).
- 4.30 Whilst the appeal proposal would add another visible building, in this context I do not think that the nature of the experience, or the way in which the townscape is understood, would be materially different. Fundamentally, the experience would be similar, i.e. that the townscape of the BTCCA would be juxtaposed with a tall building on the appeal site, amongst others, to the south.
- 4.31 I have found no harm to the conservation area due to the appeal proposal.

THE OR AND THE COUNCIL'S SOC

- 4.32 I have considered the Officer's assessment of the appeal proposal in the OR and the Council's heritage case as set out in the SoC. Having gone through both, I have found no substance to Officer's assessment of the appeal proposal, or evidence in

support of their conclusions about harm to the significance of the BTCCA, and neither have I found any substance to the Council's heritage case in the SoC.

OVERALL CONCLUSION

- 4.33 For the reasons set out in my Proof, I have found that the appeal proposal would cause no harm to the significance of the BTCCA.
- 4.34 This means that the appeal proposal is policy compliant (see also **Appendix 1**), and that the provisions of s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.