

**IN THE MATTER OF**

**2-4 RINGERS ROAD AND 5 ETHELBERT ROAD  
BROMLEY, BR1 1HT**

**APP/G5180/W/24/3340223**

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**APPLICATION FOR  
A PARTIAL AWARD OF COSTS  
MADE ON BEHALF OF THE APPELLANT  
AGAINST THE COUNCIL**

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**No5**  
BARRISTERS  
CHAMBERS

## **Introduction**

1. This is an application for a partial award of costs. It relates to two specific and discrete matters: heritage and the mix of dwellings. In respect of both the Council's has behaved unreasonably.
2. The application for costs relates to the substance of the Council's case.
3. All good costs application should be short because the point being made should be clear and obvious. This application illustrates the point.

## **Heritage**

4. The Council have alleged the proposal is overbearing and over-dominant in terms of its impact on the significance of the Conservation Area.
5. The reason for refusal reads as follows:  
*"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."*
6. The evidence for the Council is given by Mr Crone.
7. Mr Crone's starting point is to claim that Bromley Town Centre is not urban. This is ludicrous. It is the very essence of an urban location, being a major Metropolitan town centres in London. The Council's case therefore starts from a false premise.
8. Against this absurd assertion, Mr Crone adopts the position that the development proposal at 66-70 High Street would cause no harm. That proposal is far more prominent and dominant than the appeal proposal in terms of its impact on the Conservation Area. It is right on the High Street and right next to the edge of the Conservation Area. Physically and visually it is far more prominent and dominant. The visualisations in Mr Froneman's proof of evidence make the point. The suggestion that by comparison to that "no harm" proposal, the appeal scheme is overbearing and over-dominant is ludicrous.
9. The Council's claim that taken together the appeal proposal and the development at 66-70 High Street create a wall of development is simply not credible either. As

Mr Froneman explained, a wall is a flat expansion with no variation in depth. It is absurd to imagine the two developments will be read in that way as one walks and experiences around the Conservation Area. Again the visualisations make that clear.

10. The same problem arises with the Council's clustering argument. The clustering is said to make the proposal unacceptable. Yet it was this clustering which the inspector in the appeal for 66-70 relied upon in allowing that appeal: see paragraphs 12 and 13 of that appeal decision: he specifically acknowledged the character of the area south of the conservation area as being already comprised of tall buildings.
11. No support is gained from the other parties who provided representations as their position is not based on any analysis and does not engage with the appeal decision at 66-70 High Street.
12. The Council should never have pursued its point on heritage it is simply not credible.
13. In any event, a heritage reason for refusal should only be pursued in the case of less than substantial harm if the heritage harm is outweighed by the planning benefits of the scheme. That makes the heritage reason for refusal even more absurd as the Council accepts there are a wide of benefits attraction amongst other things very substantial weight.

### **Housing mix**

14. The Council oppose the mix of development on the basis of it being one and two bedroom flats. Policy H10 of the London Plan addresses Housing size mix. Part 6 of the policy could have been written for this scheme which meets not just one but all three of the criteria supporting the provision of one and two bed units.
15. As Mr Batchelor explained, it is not a restrictive policy and allows a flexible approach on a site-by-site basis.
16. The Local Plan does not include a policy on housing mix at all. Neither Policy 1 nor 2 refer to unit mix.

17. Bromley is actually characterized by family housing.

18. Again, the Council should not have pursued this point.

**25 July 2024**

**CHRISTOPHER YOUNG KC**

**ODETTE CHALABY**

**No5 Chambers**

**Birmingham – Bristol – London**



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