



Appeal Decision

Site visit made on 15 October 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 MARCH 2025

Appeal Ref: APP/G5180/W/24/3342040

Plot north of 46 Silverdale Road, Petts Wood, Orpington, Kent BR5 1NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Radka Kukusheva against the decision of the Council of the London Borough of Bromley.
- The application reference is DC/24/00104/FULL1.
- The development proposed is a new dwelling, including demolition of an existing garage.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. In June 2023 the site was the subject of a dismissed appeal for a development described as “the demolition of existing garage and the erection of a single dwelling”¹. Both main parties’ submissions referred to this earlier decision (“the 2023 appeal”), and I address it at relevant points of my reasons below.
3. In December 2024 the Government published a revised National Planning Policy Framework (“the Framework”), replacing the December 2023 version extant at the time the planning application was determined. The provisions most relevant for determining this appeal were not altered significantly, and as a result I consider that there is no requirement for me to seek further submissions on this matter; I am satisfied that neither main party’s interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The character and appearance of the area, including the setting of the adjacent The Thrifts Conservation Area; and
 - Living conditions for occupiers of the proposed dwelling and neighbouring residents, with particular regard to loss or lack of privacy and outlook.

¹ PINS Ref: APP/G5180/W/22/3312484

Reasons

Character and appearance

5. The appeal site is an area of land on the east side of, and with a street frontage to, Silverdale Road, adjacent to No 46. It contains a single-storey detached garage. The site is to the rear of No 41 Hazlemere Road and appears to have once formed part of that property's rear garden, though it has now been physically separated and is described in the submitted design and access statement as "a redundant overgrown garden plot".
6. The site is within the Petts Wood Area of Special Residential Character ("the ASRC"), which was developed in the late 1920s and early 1930s with a mix of semi-detached and detached housing. Within the ASRC houses are generally set on a uniform building line, and although there is some variety within their individual design, common features include tiled hipped roofs, gabled or hipped front bays, and elevations finished in brick, white-painted render or a combination of both. Dwellings therefore have a strong degree of visual consistency, despite the variations in detail. Front gardens are of reasonable depth, and most have low boundary walls, with a prevalence of mature or semi-mature planting. Long rear gardens are common feature, with very generous rear-to-rear separation distances between dwellings (and rear-to-side separations where properties on adjoining streets meet); rear gardens generally have a large number of tall and mature trees, which provide an extremely pleasant visual backdrop to the buildings and contribute to the ASRC having a very verdant character. The spaciousness and openness which arises in part from the generous plot depths is a particularly positive feature of the area.
7. The proposed development is the demolition of the existing garage on the site, and the erection of a two-storey dwelling with three bedrooms. It would have a hipped roof, with a front gable over a two-storey front bay and be of white render (with red brickwork up to window and door heads on the front elevation) with clay roof tiles. I do not know the full details of the design of the proposed development in the 2023 appeal, but based on the description in that decision it appears that the proposal before me would, in several ways, be more sympathetic to its surroundings; in particular, the building line, roof height and side separation to No 46 would be in keeping with the pattern of other dwellings on Silverdale Road. In these respects, I consider that the design, scale and form of the proposed dwelling would be acceptable.
8. However, the construction of an "infill" dwelling on a site carved out of what was previously a much larger private garden would add a substantial built development to a space which provides an important visual break in the street scene. The existing generous rear-to-side spacing between the dwellings at No 41 Hazlemere Road and No 46 Silverdale Road would be significantly reduced, and as a result the low-density and very spacious suburban character of the ASRC would be eroded. The appeal site is opposite The Thrifts Conservation Area, where the spaciousness pervading the wider ASRC contributes to its particular significance. The proposed dwelling would draw the eye such that the loss of spaciousness would be perceived from within the conservation area, such there would be a degree of harm to its setting. In these respects, and notwithstanding the changes in detailing, I am in agreement with the findings of my predecessor in the 2023 appeal.

9. The current appeal scheme also includes a tall “privacy wall” at the rear corner of the dwelling closest to No 46 Silverdale Road, which would vary in height from approximately 2m at the plot boundary, to around 4m or more alongside the new dwelling. It is intended to address privacy concerns in respect of overlooking from No 46, and it would therefore (by design) be visible from that property. Although at the rear of the proposed dwelling, the wall would also be seen from the rear of Nos 39 and 41 Hazlemere Road and would be a highly incongruous feature in an area where, as far as I am aware, very high boundary or screening walls are not commonplace.
10. I have also considered the argument put forward by several interested parties that the appeal scheme would set a precedent for similar developments in the surrounding area. Whilst each application and appeal must be treated on its individual merits, I appreciate concern that approval of this proposal could be used in support of such similar schemes. The submitted Design and Access statement referred to “several examples of shallower plot depths [than the appeal site] in the vicinity”. However, based on the evidence before me my assumption is that those examples, or most of them, must reflect the original laying out of the ARSC in the 1920s and 1930s along garden suburb lines. There remain many large corner plots similar in size and setting to No 31 Hazlemere Road (prior to the separating off of the appeal site). I therefore consider that this is not a generalised fear of precedent, but a realistic and specific concern about similar proposals coming forward which could undermine the special characteristics of the ASRC. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would exacerbate the harm which I have described above.
11. Because of the impact of the proposed development on the established spaciousness and openness of the ASRC, I conclude that the development would harm the character and appearance of the area, and the setting of The Thrifts Conservation Area. The proposed “privacy wall” would cause further harm to the character and appearance of the area.
12. The Framework advises that heritage assets should be conserved in a manner appropriate to their significance (paragraph 202). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 213) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 215). The provision of a new dwelling would contribute to the supply of housing in the area, employment and support for local trades during the construction phase, and in the longer term an additional resident family which would be likely to use local shops and services. Given the limited scale of the development, these public benefits carry only moderate weight in favour of the proposal; they would not outweigh the harm to the heritage asset, to which I must attribute great weight.
13. The proposed development would therefore conflict with Policies 3, 4, 8, 37, 42 and 44 of the 2019 Bromley Local Plan (“the BLP”); together, and among other things, these policies seek to ensure that new development (including that on garden land) does not have unacceptable impacts on the character or appearance of an area (including in respect of spacing and density), that the setting of conservation areas is preserved or enhanced, and that the special and distinctive qualities of ASRCs are respected, enhanced and strengthened.

For the same reasons, I find conflict with the provisions of Chapter 16 of the Framework which seek to conserve and enhance the historic environment.

Living conditions

14. The adjacent dwelling at No 46 Silverdale Road has a large first-floor terrace at the rear corner closest to the appeal site. I saw on my site visit that this allows clear views over the appeal site. The proposed "privacy wall" is intended to address the overlooking which would otherwise arise and lead to a lack of adequate privacy at the rear of the proposed dwelling. I consider it likely that the wall would achieve this. The privacy wall would be close to a side elevation of No 46 which is, other than the balcony, a blank wall; while it would rise above the base of the balcony it would not be so tall as to be an overbearing feature when seen from No 46.
15. None of this, of course, would mitigate the harm which the privacy wall would cause to the character and appearance of the area, which I have set out above. However, I am satisfied that the proposed development would not cause unacceptable harm to neighbours' living conditions, nor would it provide inadequate living conditions for future occupiers. I therefore conclude that, on this matter, there would be no conflict with Policies 3, 4 or 37 of the BLP. Together, and among other things, these policies seek to ensure that new development, including garden land development, respects the amenity of occupiers of neighbouring buildings and of its own future occupiers.

Other Matters

16. The submitted Design and Access Statement referred to two cases where development involving the replacement of a single dwelling with two new dwellings on the same plot within the Petts Wood ASRC had been allowed on appeal². However, no further information was provided to demonstrate how or why they were comparable to this scheme, and they do not weigh significantly in its favour.

Planning Balance and Conclusion

17. I have found that the proposed development would not be unacceptable in respect of its effect on living conditions. However, it would be harmful to the character and appearance of the area, including The Thrifts Conservation Area.
18. Paragraph 11(d) of the Framework states that "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date", planning permission should be granted "unless (i) "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed", or (ii) "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole [...]".
19. The evidence before me is that the Council is falling short both in terms of its housing land supply and the delivery of housing; this is not in dispute. However, even though this means that the most relevant policies should be considered out of date, footnote 7 of the Framework states that designated heritage assets are one of the "protected assets" described in paragraph

² PINS Refs: APP/G5180/A/14/2228610 and APP/G5180/W/20/3245169

- 11(d)(i). In this case, the harm to the conservation area provides a clear reason for refusing the proposed development, and the “tilted balance” is not engaged.
20. The Government’s objective is to significantly boost the supply of housing. The development would provide one new dwelling, which would help to meet local housing need, and which would have good access to services within Petts Wood a short distance away. Given the scale of the proposed development, the extent of any economic, social and environmental benefits arising from the scheme would be correspondingly modest; they would not outweigh the other harm I have found.
21. The proposal would conflict with the development plan taken as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.
22. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector