
Appeal Decision

Site visit made on 24 March 2025

by **N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025

Appeal Ref: APP/G5180/W/24/3353792

1 Tootswood Road, Shortlands, Bromley, London BR2 0PB

- 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 Mr & Mrs Joanne Carroll against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01024/FULL1.
 - The development proposed is described as: remove existing prefabricated single storey garage to the bottom of the garden. Sub divide the existing garage and build 1 no. 1.5 storey 3/4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant confirmed a mistake in their name within the original application form. I have corrected this in the banner heading above.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupiers of 3 Tootswood Road, with particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal site forms the end section of a generous rear garden belonging to a detached two-storey dwelling on the corner of Tootswood Road and Hayes Lane. The dwellings along this section of Tootswood Road and Kingswood Avenue are set within large plots forming long, elongated rear gardens set back-to-back with mature trees along their rear boundaries. In addition to their limited level of development, these rear gardens give this section of Hayes Lane a green and open character.
5. The appeal site adjoins Hayes Lane and comprises a small, pitched roof garage. The low profile of the garage limits views from Hayes Lane with the appeal site contributing to the openness and undeveloped nature of this section of the street scene. The opposite side of Hayes Lane is primarily characterised by two-storey

dwelling adjacent to the highway, giving it a more developed and distinctly different character to that of the appeal site.

6. The proposal would form a sizeable single storey dwelling with living accommodation in the roof. The proposed dwelling would have a squat form, appearing out of context with the predominantly two-storey dwellings surrounding the appeal site which possess a more vertical emphasis. Whilst the proposed dwelling would be set within a square plot of modest size, it would be viewed within the context of the adjoining long linear plots along Tootswood Road and Kingswood Avenue, appearing cramped and out of character.
7. The proposed dwelling would have a much larger footprint and project significantly above the existing garage it would replace. It would therefore appear prominent within the street scene, particularly given the absence of development on this side of the highway. As such, it would appear a dominant and jarring interruption to the existing openness of the street scene along this section of Hayes Lane, harming the spacious and green undeveloped character and appearance.
8. The appellant raises other planning approvals and developments including those along Top Park, Pickhurst Lane, Goodhart Way, Hayes Lane, Hayes Way. These examples appear to be some distance from the appeal site and therefore the proposal would not be viewed in the same context as these. Rather, the proposal would be viewed in the context of the unique open and undeveloped character of this section of Hayes Lane between Tootswood Road and Kingswood Avenue. My observations were that they are not directly comparable to the proposal before me.
9. For these reasons, the proposed development would cause harm to the character and appearance of the area. As such the proposal would conflict with the relevant provisions of Policy D3 of the Spatial Development Strategy for Greater London (2021) (London Plan) and Policies 4 and 37 of the London Borough of Bromley Local Plan (2019) (Local Plan). When read together these policies require new development to enhance local context and respect local character.
10. The Council has referred to Policy D4 of the London Plan which primarily relates to mechanisms by which to secure design quality. It has not been explained how this is relevant to this main issue and so I consider it is not determinative to this main issue and have not considered it any further.

Living conditions

11. The appeal site shares a boundary with 3 Tootswood Road (No 3). No 3 possesses a long, elongated garden, a large end section of which adjoins the appeal site. Given the low level of the existing garage within the appeal site, the rear garden of No 3 is afforded an open outlook in this direction. Views of the end section of the rear garden of No 3 are limited to the first-floor rear windows of the dwellings along Tootswood Road and as such fairly oblique and at a modest distance. Therefore, those utilising the rear garden of No 3, particularly the end section, are afforded good levels of privacy.
12. The proposal would be positioned relatively close to the shared boundary with No 3. The proposed dwelling would project notably above the height of the existing garage in addition to extending along a large section of the rear garden of No 3. When combined with the existing open character of the surrounding rear gardens including the appeal site, the proposal would appear overbearing and dominant

when viewed from the rear garden of No 3. Further, two sizeable first-floor windows within the rear elevation would face the boundary of No 3. These would provide users with unrestricted views over the rear garden of No 3, harming the existing high standards of privacy currently afforded to the occupiers.

13. Whilst the proposal would meet the minimum 1 metre separation distance from the boundary with No 3 as required by Policy 8 of the Local Plan, the policy requires a more generous separation where higher standards already exist. Given the contribution of the appeal site to the existing open outlook and good levels of privacy of the rear garden area of No 3, that is the case here, and a far greater separation distance between the proposed dwelling and the shared boundary is required.
14. For these reasons, the proposal would harm the living conditions of occupiers of No 3 with particular regard to outlook and privacy. As such, it would be contrary to the relevant provisions of Policy D6 of the London Plan and Policies 4 and 37 of the Local Plan. When read together these policies require new development to provide adequate privacy, respect physical context, and respect the living conditions of neighbouring occupiers.

Planning Balance

15. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would conflict with Policies 4 and 37 of the Local Plan. These conflicts are such that the proposal would be conflict with the development plan, when read as a whole. The Framework is simply one such consideration and in this case the presumption in favour of sustainable development set out within paragraph 11 d) ii. of the Framework applies by virtue of Footnote 8 and is not disapplied by 11 d) i.
16. The evidence provided by the Council suggests that they have below a 3-year supply of deliverable housing sites. In these circumstances paragraph 11d) of the Framework is engaged in accordance with footnote 8. There is nothing before me to suggest that there are any policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development under paragraph 11d)(i).
17. Therefore, the balance in paragraph 11d(ii) applies such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
18. Paragraph 135 of the Framework states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout, and are sympathetic to local character and history. Furthermore, the Framework requires planning decisions to ensure development creates places with a high standard of amenity for existing and future users. Given the above identified great harm to the character and appearance of the area and to the living conditions of neighbouring occupiers, these matters combined carry significant weight against the scheme.
19. The Framework seeks to boost the housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The proposal for a single dwelling

would make a minor positive contribution to addressing the existing housing shortfall and as such I afford only limited weight to this as a benefit.

20. Taking everything together, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.

Other Matters

21. The lack of objections from statutory consultees is a neutral point and does not weigh for or against the appeal proposal.
22. The appellant has stated that the proposed development is required to provide living accommodation due to their deteriorating health. Therefore, as part of determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
23. I have carefully considered the reasons why the appellant has applied for planning permission for the proposal. However, I have been provided with limited evidence to demonstrate how the development would meet their specific needs or why these could not be met by an alternative and less harmful scheme. Therefore, on the evidence before me, I attach limited weight in favour of the appeal scheme to the appellants personal needs for the development as a consideration in favour of a grant of permission. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

24. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
25. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

N Unwin

INSPECTOR