



Appeal Decision

Site visit made on 23 April 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/G5180/D/24/3355139

Meadowlands, Orchard Road, Pratts Bottom, Orpington BR6 7NT

- 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 Saravana Kumar against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/21/05567/FULL6.
 - The development is garden alterations, raised decking, retaining wall and boundary treatment.
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Decision

1. The appeal is allowed and planning permission is granted for garden alterations, raised decking, retaining wall and boundary treatment at Meadowlands, Orchard Road, Pratts Bottom, Orpington BR6 7NT in accordance with the terms of the application, Ref DC/21/05567/FULL6, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location; 540-HPP-01; 540-HPP-02; 540-HPP-03 and 540-HPP-04.

Procedural Matters

2. The description of development has been adopted from the council's Decision Notice for reasons of clarity.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024 but does not raise any new matters which affect the assessment of this appeal scheme.

Main Issue

4. It is considered that the main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal property is situated on a corner plot at the junction of Orchard Road and an access drive primarily serving 2 residential properties and the rear gardens of properties fronting Rushmore Hill. The development, which has been undertaken, comprises alterations to the property's garden, including the changes to ground levels, the erection of a raised deck and the erection of a timber boundary fence, principally fronting the access drive, with a retaining wall to the rear.

6. The property is situated within the Orchard Road, Pratts Bottom Area of Special Residential Character (ASRC). This area is characterised by large, detached dwellings sited on large plots. The dwellings are set back from Orchard Road to the rear of landscaped front gardens. Along the road, there is a wide verge behind which there are a variety of boundary treatments including walls, hedges and fences. For these reasons, the ASRC possesses a spacious and sylvan character and appearance.
7. The hedge fronting Orchard Road has been retained with the timber fence extending along the shared boundary between the garden and the access drive. The fence varies in height dependent upon the ground level but the maximum height is circa 2.1 metres. The retaining wall is located to the rear of the fence and is not noticeable within the streetscene. .
8. Although the curtilage of the host property is significant enclosed by the fence, the predominant impression remains of a large dwelling sited on a large, landscape plot which is a characteristic of the ASRC. However, the height and length of the boundary fence means that it is a more prominent feature in the streetscene when compared to other more modest boundary treatments elsewhere with the ASRC. For this reason, there is an adverse effect on the spacious and sylvan character and appearance of the ASRC associated with the fence. The level of harm is, however, limited and localised primarily to a view along Orchard Road from the west because of the fence's siting mainly fronting the access drive. The fence is also viewed within the context of other timber fences of a similar height fronting the access drive.
9. The appellant has identified that permitted development rights exists to erect a fence of up-to 2 metres along this boundary because it does not front a highway. The council has not identified that permitted development rights do not apply.
10. The erection of a 2 metre high timber fence alongside the boundary with the access drive would have a similar appearance as the fence which has been erected albeit the current boundary treatment is marginally taller in some locations. Accordingly, the erection of a fence as permitted development would have the same effect on the streetscene along Orchard Road and the character and appearance of the ASRC as the boundary fence which has been erected. Significant weight is, therefore, given to this fallback position in the determination of this appeal.
11. As assessed, the siting, height and length of the timber fence does cause limited and localised harm to the streetscene and the spacious and sylvan character and appearance ASRC, this harm is both limited and localised. Accordingly, this is a case where it is judged that the fallback position can outweigh the limited and localised harm which has been identified.
12. The raised area of decking is located towards the south west corner of the plot adjacent to a large outbuilding which includes an indoor swimming pool. When looking from Orchard Road the prominent forms of built development are the dwelling and the outbuilding rather than the raised deck with its balustrade. The size of the raised deck does not detract from the overall spaciousness of the plot.
13. From Orchard Road, the raised deck is viewed against the context of the existing buildings and is not a visually prominent form of built development. By reason of the landscaped garden and the siting of the deck a significant distance from

Orchard Road, the sylvan and spacious character and appearance of the ASRC and the streetscene along the road is retained.

14. Accordingly, the development does not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it does not conflict with Policies HC1, 6, 37 and 44 of the Bromley Local Plan. Amongst other matters, these policies refer to developments within an ASRC respecting, enhancing and strengthening their special and distinctive quality; for developments to be of a high standard of design which positively contribute to the streetscene, and residential extensions complementing the host property and being compatible with the surrounding area.

Other Matters

15. A number of other matters have been raised by the occupiers of neighbouring properties, including overlooking, loss of privacy and noise. However, the council did not assess that the living conditions of the occupiers of neighbouring properties are adversely harmed by the development and there are no reasons to disagree with this assessment. How the works were undertaken and the processing of the application by the council are not matters for consideration as part of this appeal. Overall, none of the other matters raised affect the conclusion for Main Issue which has been identified.

Conditions

16. The council has suggested a single condition in the event that this appeal succeeds which has been assessed against the tests identified in the Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to identify the approved drawings to define the scheme which is approved. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR