



Appeal Decision

Site visit made on 29 April 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/G5180/W/24/3354921

162 Kings Road, Bromley, Biggin Hill TN16 3NH

- 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 Corinne Cambridge against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/02333/FULL6.
 - The development proposed is described as “an additional outbuilding added to the already approved site via application DC/19/04980/FULL6 which contained a condition (4) attached to the permission granted on 2nd April 2020 removed Permitted Development Rights in relation to outbuildings (Class E). Our daughter wants to start her own dog grooming business from this building and this is the only suitable area within the garden to situate the building. As you can see from photographs attached the previous planning permission granted a couple of years ago is now finished and we have endeavoured to blend in the buildings we currently have by painting them green and also added plants, bushes etc to cover the buildings. The building will not block any of the neighbours lighting. An inspector (Philip Spiteri) has already inspected the partly built building (which is all made from wood) and agreed that the building itself does not need planning permission for its size it is only the clause in the previously approved planning application that is requiring us to send in this application. We were not aware of this condition prior to starting the work”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the appellant's application form. However, the proposal could also be more accurately described as the “Erection of an outbuilding in rear garden for a dog grooming business. (Retrospective)”. This is reflected in the description used by the Council in the decision notice.
3. As set out on the application form, development has started and is now complete. Nonetheless, my assessment of the proposal is based on the plans before the Council at the time of the planning application. I will refer to the ‘proposed development’ throughout my decision, although certain aspects may already be completed.
4. Planning permission (ref: 19/04980/FULL6) was granted on 02/04/2020 for the change of use of a woodland area to residential curtilage, boundary fencing, ground excavation, and the erection of a single-storey garden building (log cabin and store), separate shed, and retaining walls. During my site visit, it appeared that this planning permission had been implemented. However, the Council notes that it does not appear that the relevant conditions were discharged or approved. Nonetheless, my assessment is limited to the current application, which seeks

permission for the construction of an additional outbuilding. Any other issues relating to enforcement or outstanding planning conditions fall outside the scope of this appeal. As such, they would need to be considered between the Council and the appellants.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site is comprised of a semidetached two storey dwelling, conservatory and rear garden. This garden has been extended through ground excavation, resulting in a series of terraced levels rising with the natural slope of the hillside. According to the plans, these levels accommodate various built features, including a paved patio, BBQ area, shed, and a log cabin with attached store. As a result of this extension, the rear garden appears larger than that of neighbouring properties. However, these gardens typically contain relatively low levels of built form, which contributes to a spacious character and a visually balanced setting in contrast to the built-up nature of the surrounding street scene.
7. The proposed development further increases the amount of built form within a garden that already appears visually congested, thereby disrupting the marked balance described above in terms of the host building and the surrounding pattern of development. Although the new outbuilding is modest in size compared to existing ones within the garden and does not require additional concrete for its construction, it nonetheless makes a significant contribution to the cumulative impact of existing structures within the garden. Regardless of the additional woodland space at the rear, the existing buildings already occupy a significant proportion of the usable garden area. There is no evidence before me - nor was any observed - that other gardens in the locality contain a similar number or scale of outbuildings. As such, the proposed development results in an uncommon density of built form which disrupts the balance between built and open space presented in neighbouring gardens. This results in a cramped and overbearing appearance that contrasts with the generally open and lightly developed character of rear gardens along the street.
8. In reaching this view, I have considered that the rear garden is relatively large compared to neighbouring properties. However, the site already contains a proportionally high level of built form, which does not reflect the generally modest scale of development in the surrounding area. While public views of the garden may be limited, partly due to additional planting intended to soften the appearance of the building, the proposed development would still be clearly visible from private vantage points. While the colour of the structure helps to soften its appearance, it would still exacerbate the existing imbalance and further erode the spacious character that is typical of gardens in the locality.
9. The appellant has referred to the use of permitted development rights to construct buildings up to 4m in height within 2m of neighbouring boundaries. However, there is limited evidence before me to demonstrate that the use of these rights would result in a comparable density of built form to what is currently present, especially given the limited size of the original garden. As such, in terms of character and appearance, the proposed development introduces a greater extent of built form

than would likely result from permitted development, due to the extensive developed footprint of the garden. As such, it does not represent a comparable fallback position.

10. I have considered the appellant's proposal to relocate the dog grooming outbuilding by replacing an existing shed within the garden. However, in the absence of any submitted plans, I cannot be confident that this proposal would result in an acceptable design. Furthermore, this alteration would result in significant changes to the design of the garden, potentially prejudicing interested parties who have not had the opportunity to provide comments. As such, accepting this proposal would be contrary to the Procedural Guide¹, which states that the appeal process should not be used to evolve a scheme. Therefore, I am not persuaded that this proposed alteration would make the development acceptable in planning terms.
11. In conclusion, the proposed development has a harmful effect on the character and appearance of the surrounding area. It does not complement the scale and proportion of adjacent buildings and areas, contrary to Policy 37 of the Bromley Local Plan 2019.
12. The Council also cites conflict with Policy D4 of the London Plan 2021. However, I have not been drawn to any wording in this policy that relates to this main issue. Notably, this policy primarily relates to the high-level use of masterplans, use of analytical tools and procedural accuracy. Accordingly, this policy has not been referred to in my conclusion.

Other Matters

13. I have considered representations regarding the economic benefits of allowing the proposal by supporting a small, successful, local business and the promotion of local wildlife. Nonetheless, these considerations do not outweigh the harm I have identified and the conflict with the development plan.
14. Several letters of support have been received from various neighbours. While community feedback is an important aspect of the planning process, the presence of supportive responses does not justify the identified harm to character and appearance.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR

¹ Paragraph 16: Procedural Guide – Planning Appeals – England