



Appeal Decision

Site visit made on 7 May 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/G5180/W/24/3351861

110 Windsor Drive, Orpington, Bromley BR6 6HF

- 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 Dr Y Liu against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/00162/FULL1.
 - The development proposed is demolition of existing building and replacement with a single storey, flat roof two-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) has been published. The main parties have been given the opportunity to comment on any implications for the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 108 and 112 Windsor Drive (No 108 and No 112, respectively) with particular reference to outlook.

Reasons

4. The appeal site is a semidetached house in a residential neighbourhood. Homes along Windsor Drive, including Nos 108 and 112, have reasonably long rear gardens. The same is true, in the main, of houses behind Windsor Drive on Foxbury Drive. This creates a spacious feel. Gardens contain a mix of greenery, including mature trees. The combination of these features results in a rearward outlook from Nos 108 and 112 that is strongly characterised by views across the tops of garden fences to clear skies and layers of trees, in a spacious, open, suburban vista.
5. There are two notable interjections into the generally unimpeded views described above. The first is a row of homes at 17 to 23 Daleside Close (Nos 17-23), which are directly visible from Nos 108 and 112. The second is an unusually large outbuilding occupying much of the rearmost half of the garden at the appeal site (the outbuilding). The effect of the former is mitigated by the distance between Nos 108-112 and Nos 17-23, and by the presence in between of mature trees. Whilst the outbuilding is, relative to surrounding plots, substantial in size, it is short

enough that it protrudes only fractionally above the garden fence with No 112 and, despite the land falling away to the east, only modestly above the fence of No 108.

6. It is proposed to replace the existing outbuilding with a detached home (the dwelling). Submissions from both main parties refer to a previous appeal decision¹ regarding a proposal for a similar, if larger, development at the site, and I recognise that the appeal scheme represents a revised design. The matter before me, however, is not how the appeal scheme compares to the previous proposal, but rather the effect of the appeal scheme on the living conditions of the occupants of 108 and 112 Windsor Drive.
7. Save for the creation of an inset section at its entrance, the dwelling would occupy much the same area as the outbuilding. The appellant has not contested the Councils assessment of how much taller the former would be than the latter, and I see no reason to do so. The dwelling would be some 3.2 to 3.3m tall where nearest to Nos 108 and 112, an increase of around a metre. Whereas the outbuilding sits level with, or only slightly higher than, the existing garden fences, the dwelling would protrude significantly above them. It would dominate the outlook from both neighbouring gardens, significantly and harmfully erode the current openness of views therefore, and introduce a marked, imposing degree of enclosure.
8. I recognise that the dwelling would have a smaller footprint than the outbuilding, and that use of a green roof and high quality, subtle external materials may limit the attention the dwelling would call to itself. None of these features, however, would mitigate the effects of its height above fence lines as described above.
9. The proposed development would have a harmful effect on the living conditions of the occupants of 108 and 112 Windsor Drive with particular reference to outlook, contrary to Policies 4 and 37 of the Bromley Local Plan (2019) where they require a high standard of design that respects the amenity of occupiers of neighbouring buildings.

Planning Balance

10. The appellant contends that the Council cannot demonstrate a five-year supply of housing land. The Council planning officer report identifies a figure of 2.96 years and accepts it to represent a very significant level of undersupply. The report was written prior to the revisions to the Framework. I have no evidence that the provisions of paragraph 11(d) of the Framework are not engaged, or that the housing land supply situation has improved.
11. The appeal scheme would result in an additional dwelling that could be built quickly, helping towards undersupply in the Borough, and supporting the wider Governmental aim of significantly boosting housing supply. A mix of temporary and lasting economic benefits would accrue from the construction phase and residential occupation respectively. These benefits attract positive weight in my determination, increased in this instance by the extent of the shortfall in housing land. That said, the benefits of the scheme would nevertheless be modest owing to its small scale.

¹ APP/G5180/W/23/3314698

12. The site is in a sustainable location and the appeal scheme would make effective use of land. The appeal scheme accords strongly to the aims of the Framework in these regards. However, the Framework also considers the creation of high quality buildings and places to be fundamental to the planning and development process, an aim including the creation of places which promote health and well-being, with a high standard of amenity for existing and future users. There is a high degree of correlation between the Framework and the Bromley Local Plan (2019) in these regards. Overall, the harm the appeal scheme would cause to living conditions for neighbouring occupiers would significantly and demonstrably outweigh the benefits identified above.

Conclusion

13. I conclude that the proposal conflicts with the development plan and the material considerations do not indicate the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR