



Appeal Decision

Site visit made on 20 May 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/G5180/W/24/3350550

2A Jackson Road, Bromley BR2 8NP

- 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 Sal Karaoglan against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 24/01790/FULL1.
 - The development proposed is construction of a new 1 bed flat above existing commercial units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of occupants of no 137a Hastings Road, with particular regard to outlook, sunlight and daylight;
 - whether other material considerations outweigh any harm identified such as to justify the development.

Reasons

Character and appearance

3. The appeal property is a flat-roofed, single-storey unit which fronts onto Jackson Road and is in use as a barber shop and storage area. The appeal property is behind a row of buildings at Hastings Road, comprising a ground floor shopping parade with residential flats above. The appeal property abuts the staircase which provides access to the first-floor flats. The appeal property is therefore sited close to the rear elevation of the shopping parade.
4. Retail uses continue along Hastings Road beyond the junction with Jackson Road, and there is a petrol filling station and other retail uses. Hastings Road is a main route toward Bromley with frequent traffic, characterised by its mix of commercial and residential uses.
5. Jackson Road predominantly comprises regularly spaced pairs of modest semi-detached dwellings and terrace rows. It is a quiet, suburban, residential area that is markedly different in character to Hastings Road.

6. Buildings within the street scene of Jackson Road are generally of two-storey height. However, there is a three-storey flat-roofed building northeast of the site, and the tall shopping parade buildings are visually prominent and contribute height to the street scene. The two-storey massing and hipped roof form of the proposed development would be consistent with dwellings at Jackson Road. In addition, proposed external materials and other features, such as the window design, would reflect the built character of the area.
7. However, as identified in the committee report¹ relating to grant of permission for the appeal property, there is a clear break between the rear of the commercial shopping parade units fronting Hasting Road and the residential properties of Jackson Road. The low height and form of the existing shop unit maintains the visual break between development at Jackson Road and Hastings Road.
8. The proposed flat would be accessed via the existing staircase and walkway, and therefore would be sited close to the shopping parade. The two-storey form, with a hipped roof would add substantial scale and mass to the building. The built form of the first floor and roof would appear to be sited uncomfortable close to the shopping parade buildings.
9. The two-storey rear projection at no 135, situated opposite the appeal site, does not have a frontage to Jackson Road and reads as part of development at Hastings Road. A garden area with a substantial tree provides visual separation between the no 135 and dwellings at Jackson Road. The proposal is therefore materially different from the rear projection at no 135.
10. By virtue of its height, scale and siting, the proposed development would be visually dominant within the street scene and would erode the gap which provides separation between development at Hastings Road and Jackson Road. The proposal would therefore harm the character and appearance of the area.
11. The proposal would conflict with Policy 6 of the Bromley Local Plan 2019 (BLP) which requires the scale and form of development be compatible with development in the surrounding area, and respect or maintain space or gaps between buildings where these contribute to the character of the area.
12. Furthermore, the proposal would conflict with Policy D3 of The London Plan 2021 (LP), which requires proposals enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, and respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality.

Living conditions

13. No 137a is situated at first floor level, above a ground-floor shop, and is accessed from Jackson Road via an external walkway. The front elevation has two clear-glazed windows serving a kitchen which provide views along Jackson Road, to surrounding buildings, gardens, and the sky. In addition, the obscure glazed bathroom windows, and front door with glazed surround, provide natural light.
14. The end elevation of the proposed first-floor flat would abut the external staircase and would be parallel with the front of no 137a, enclosing the walkway. The

¹ LPA reference: 13/01136

proposed flat would therefore be extremely close to no 137a, with a separation distance of approximately 2m.

15. No 137a's kitchen windows would face the proposed flat's blank, white-rendered end elevation wall, and its kitchen window and porch area. The siting of the proposed development would appear overbearing and would result in a significant loss of outlook from no 137a.
16. The reasons for refusal assert the proposal would overshadow no 137a and matters of daylight and sunlight are therefore relevant considerations. As indicated on the Proposed Rear Elevation plan, the development would not breach a 25-degree line, taken from the centre of no 137a's windows. BRE guidance suggests that if the angle is less than 25 degrees for the whole development, then it is unlikely to substantially affect the diffuse daylight enjoyed by the existing building. In addition, the appellant suggests the white rendered exterior would reflect light.
17. However, the proposed flat would span the full width of no 137a's front elevation and would be sited in very close proximity to its windows. The appellant acknowledges the 25-degree line is a 'rule of thumb', and thus does not provide certainty there would not be a noticeable loss of daylight or result in the area lit by the windows appearing gloomier and requiring electric lighting more of the time.
18. The front elevation of no 137a faces broadly east. The proposed first-floor flat would be directly in front of no 137a's front elevation windows and door with the potential to obstruct direct sunlight, particularly in the mornings. However, no substantive evidence has been provided to demonstrate the proposal would not result in a harmful loss of daylight or sunlight at no 137a from overshadowing.
19. No 137a is a modest dwelling and the affected rooms are single aspect, therefore losses of outlook or light would not be compensated by windows in another elevation. Even acknowledging that the affected rooms are not habitable rooms, I consider the loss of outlook and unquantified loss of daylight and sunlight from overshadowing would amount to a harmful adverse effect on the living conditions of the occupants of no 137a. In this regard, the proposal would fail to respect the residential amenity of the occupants of no 137a.
20. The proposal would conflict with BLP Policy 37 which requires development proposals respect the amenity of occupiers of neighbouring buildings and ensure they are not harmed by inadequate daylight, sunlight, or overshadowing.

Other considerations

21. Through construction of a one-bedroom flat, the proposal would contribute an additional dwelling to the area's housing supply.

Planning Balance

22. The Council is unable to demonstrate a five-year supply of deliverable housing sites and housing delivery is below the Housing Delivery Test's 85% threshold. A recent appeal decision confirmed the area's housing supply is equivalent to 2.4 years². There is a very significant shortfall against the housing requirement.

² Appeal reference: APP/G5180/W/24/3340223

23. In this circumstance, paragraph 11 of the National Planning Policy Framework (the Framework) is engaged whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, and (ii) 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 and having particular regard to key policies.
24. The Framework's policies that protect areas of particular importance do not provide a strong reason for refusing the development. Footnote 9 lists the key policies for the purposes of Framework paragraph 11.d(ii). Of particular relevance to this appeal are paragraphs 129, 135, and 139.
25. Whilst Framework paragraph 129 supports development that makes efficient use of land, it requires the desirability of maintaining an area's prevailing character and setting be taken into account. Framework paragraph 135 requires decisions ensure development is sympathetic to local character and history, including the surrounding built environment and landscape setting, and provide a high standard of amenity for existing and future users.
26. As set out above, I have found the proposal would harm the character of the area and would harm the living conditions of occupants of no 137a. The proposal would conflict with the development plan on this basis. Framework paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies. The conflict between the proposal and BLP Policies 6 and 37 and LP Policy D3 therefore carries significant weight.
27. The scale of benefits associated with the proposed single dwelling would be limited, even taking account the Council's housing land supply shortfall and the Framework's objectives to boost significantly the supply of housing.
28. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development would not apply.

Conclusion

29. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR