



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: 2nd of June 2025

Appeal Ref: APP/G5180/W/24/3353978

73 Clarendon Way, Chislehurst, Bromley BR7 6RG

- 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 Michael Michael against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01012/FULL1.
 - The development proposed is construction of 3 bedroom bungalow on land to the rear of 73 Clarendon Way with access from Leasons Hill and associated parking and landscaping.
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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, including the Marlings Park Estate Area of Special Residential Character;
 - the effect of the proposed development on the living conditions of occupants of the host property and neighbouring dwellings, with particular regard to outlook; and
 - whether other material considerations outweigh any harm identified such as to justify the development.

Reasons

Character and appearance

3. No 73 is a detached dwelling which fronts onto Clarendon Way. It is within a long, rectangular plot which extends to Leasons Hill at the rear. The appeal site comprises an area within no 73's rear garden.
4. The Bromley Local Plan 2019 (BLP) identifies Areas of Special Residential Character (ASRC) which possess special and distinctive qualities. The appeal site is in the Marlings Park Estate ASRC and abuts its boundary at its eastern edge.
5. The BLP describes the ASRC's character and qualities as comprising two-storey detached properties set within plots regularly laid out onto long roads. Houses include good-size back gardens and front gardens, most of which remain open and many of which are landscaped with trees, shrubs and flower beds and/or fronted by low boundary walls. The host property and appeal site are therefore characteristic of the pattern and form of development within the ASRC.

6. In addition, the BLP notes that trees to the rear and in gaps between properties are visible from the street and provide a sylvan setting to the ASRC. A group of mature trees within the site are visually prominent on the approach from Leeson's Hill, and together with trees in neighbouring gardens and at highway verges, form a continuous row of vegetation which defines the boundary edge of the ASRC and contributes to the area's green character.
7. Beyond the ASRC boundary to the east and south, the area is characterised by mid-20th century semi-detached dwellings within modest plots. The surrounding street scene therefore comprises a mix of dwelling types and forms a juncture where areas of distinctly different character meet.
8. The proposal would subdivide the host property's plot, to provide a three-bedroom bungalow with a vehicular access from Leeson's Hill. This would reduce the length of the host property's plot and would be inconsistent with the pattern of development within the ASRC.
9. The site would be enclosed by a tall, close-boarded fence and gate. Whilst the proposed dwelling would be single storey, the eaves height would exceed the height of the fence, above which would be a tall, hipped roof. The proposed dwelling would span most of the width of the site, set in just 1m from each side boundary. The proposal would add substantial built form to the site which would be clearly visible in the street scene above the boundary treatment, appearing cramped and diminishing the open character of the ASRC.
10. Whilst birch trees at the northeast corner would be retained, a group of conifer trees within the site would be removed. The site would be extensively covered by built form and hardstanding including the new vehicular access, driveway, paths and patios which would extend to the boundaries providing limited opportunities for compensatory planting. This loss of vegetation would be noticeable in the street scene of Leeson's Hill and would erode the verdant appearance of the ASRC.
11. The proposal seeks to reflect the layout of modern housing to the east and provide a logical step down to the annexe building at no 75 Clarendon Way and would be constructed with a style and finish so as to harmonise with the surrounding properties, with brickwork walls and a tiled roof. However, the proposed dwelling would not be oriented toward the street and would project forward of no 197. Therefore, the siting of the development would assimilate poorly with the surrounding development at Leeson's Hill.
12. The residential annexe within no 75's rear garden is partly visible over the rear garden gate. However, a row of mature boundary trees softens and screens views from the street. Moreover, the annexe is functionally related to no 75 and there is no boundary treatment between the annexe and its host. Therefore, the annexe does not alter the layout of plots within the ASRC. The residential annexe is materially different from, and does not justify, the proposed subdivision of the plot and construction of an independent dwelling.
13. As set out above, the proposal would be inconsistent with the pattern of development in the area, would relate poorly to surrounding development, and would erode the open, verdant character of the ASRC. The proposed development would therefore harm the character and appearance of the area, including the special and distinct qualities of the ASRC.

14. The proposal would conflict with BLP Policy 44 which requires proposals respect, enhance and strengthen the special and distinctive qualities of ASRC.
15. The proposal would fail to comply with BLP Policy 3 which requires residential development on garden land have no unacceptable impact upon the character, appearance and context of an area in relation to scale, design, and density. In addition, it would not satisfy BLP Policies 4 and 37 which require proposals: respect local character and complement the qualities of the area; design to a high quality the site layout, buildings and space around buildings; and complement the scale, proportion, form, and layout of adjacent buildings and areas.
16. 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, scale, and appearance, 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

17. The proposed dwelling would be separated from no 73 by a 1.8m close boarded fence. However, the front elevation of the proposed dwelling would be close to the shared boundary and would span across most of the width of the plot. Whilst single storey, the high hipped roof would contribute additional height and mass, and the building would significantly exceed the height of the fence.
18. The proposed dwelling would be close to no 73 and would be within direct view of windows and doors at its rear elevation. The visual prominence of the proposed bungalow would be exacerbated by the rising ground level. From no 73's back garden and rear facing rooms, the proposed dwelling would be clearly visible above the fence and would appear imposing.
19. No 197 Leeson's Hill is a two-storey semi-detached dwelling set at an angle within an irregular shaped plot. It has a two-storey side projection, set back from the front elevation with clear-glazed windows at the ground floor and first floor. The proposed dwelling's rear elevation would sit forward of the front elevation of no 197. Due to its siting and orientation, the side of the proposed dwelling would be close to and within a clear line of sight of the windows at no 197's side projection. The proposed dwelling would therefore have a harmful enclosing effect on no 197.
20. The separation distance between the front of the proposed dwelling and rear of no 71 would be relatively short, and the proposed dwelling would sit higher than the no 71's floor level. Whilst the fence would provide a degree of screening, the proposed landscape masterplan suggests existing tall boundary vegetation would be removed to accommodate the proposed dwelling and hardstanding areas. The proposed dwelling would therefore appear prominent from the rear garden and rear facing rooms of no 71 and would have a moderate adverse effect on outlook.
21. No 71's residential annexe has two small windows which would face the proposed dwelling. However, these windows are above eye-level, and therefore outlook would not be significantly affected. Whilst the proposed dwelling would likely be visible from no 75, boundary vegetation would provide a degree of screening and there would be sufficient separation distance to avoid harm to outlook.

22. Therefore, having particular regard to outlook, the proposal would harm the living conditions of the occupants of nos 71, 73 Clarendon Way and no 197 Leeson's Hill.
23. The proposal would conflict with BLP Policy 37 which requires development respect the amenity of occupiers of neighbouring buildings.

Other considerations

24. The proposal would contribute one additional dwelling to the area's housing supply. The proposed dwelling would be single-storey, thereby providing a greater mix of housing in an area characterised by two-storey properties.
25. The proposed dwelling would be constructed to an energy and water efficient, sustainable design standard which would contribute toward mitigation of climate change and reduction in carbon emissions.

Planning Balance

26. 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 has a housing supply equivalent to 2.4 years and there is a very significant shortfall against the housing requirement¹.
27. 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.
28. 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 are Framework paragraphs 129, 135, and 139.
29. Whilst paragraph 129 supports development that makes efficient use of land, it requires the desirability of maintaining an area's prevailing character and setting (including residential gardens) 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.
30. As set out above, I have found the proposal would harm the character of the area including the prevailing character of the ASRC and would harm the living conditions of neighbouring occupants. 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 3, 4, 37, and 44, and LP Policy D3, therefore carries significant weight.
31. 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

¹ Appeal reference: APP/G5180/W/24/3340223

Framework's objectives to boost significantly the supply of housing, provide a mix of housing types, and mitigate climate change.

32. 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

33. 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