



Appeal Decision

Site visit made on 14 April 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th of June 2025

Appeal Ref: APP/G5180/W/24/3354979

Land to rear of 91 Lennard Road, Beckenham BR3 1QS

- 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 Mrs Emily Bathurst against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/01277/FULL1.
 - The development proposed is the demolition of existing garages and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the site address was described as “garages on Courtenay Road, Beckenham” in the application form. However, I have taken the above address from the decision notice as this more accurately describes the location of the site. I also noted that in section D of the appeal form the appellant has also used this address to describe the site.
3. In relation to the impact on the living conditions of neighbours, the Council initially had referred to an impact on 10 Somerville Road (No 10) in its officer report, which I note is situated away from the appeal site. However, in its statement of case, the Council has confirmed an impact on the garden area of the sub-divided properties 39 and 39A Somerville Road (No 39), which is situated directly adjacent to the appeal site rather than 10 Somerville Road. As such, my decision will focus on the impact on the living conditions of the occupiers of No 39 rather than No 10.

Main Issues

4. The main issues are:
 - a) The effect of the appeal proposal on the character and appearance of the area; and
 - b) The effect of the appeal proposal on the living conditions of the occupiers of 91 Lennard Road, 93 Lennard Road, and 39 and 39A Somerville Road with specific regard to outlook, overshadowing and overlooking.

Reasons

Character and appearance

5. The appeal site is situated between the rear gardens of 91 Lennard Road (No 91) and 39 and 39A Somerville Road (No 39), whilst fronting onto Courtenay Road. The

appeal site includes a single storey detached triple garage, which I observed on my visit was in a poor state of repair and was overgrown with vegetation. The garage is set back into the plot with a low eaves and ridge height making it appear low-profile within the streetscene.

6. The gardens of No 91 and No 39 run adjacent to Courtenay Road, and as such, the appeal site is the only plot on its respective side of the road with a frontage and building orientated towards Courtenay Road. Furthermore, whilst most plots in the area are long and rectangular shaped with a long vertical emphasis, the appeal plot is much shallower.
7. The existing garage and single storey property on the opposite side of the road utilise a low eaves height to minimise the bulk and mass seen above the existing boundary fences and walls. However, the height of the proposed dwelling significantly exceeds the boundary fencing, and the side facing gables would appear highly prominent within the street when viewed from both sides of the plot. Furthermore, when facing the property directly from the street, the massing of the roof would appear significant as a result of its form that facilitates the accommodation above the ground floor. A building of this size in such a shallow plot would appear jarring within the streetscene and out of keeping with the pattern of development.
8. Therefore, for the reasons that I have given, the appeal proposal would be harmful to the character and appearance of the area. As a result, the appeal proposal would be contrary to Policies 4 and 37 of the London Borough of Bromley Local Plan (2019) (BLP) and Policies D3 and D4 of the London Plan (2021) (LP). These policies seek to ensure that development is of a high standard of design that positively contributes to the streetscene and local distinctiveness.

Living conditions

9. The ends of the gardens of No 91 and No 39 are situated to the side of the appeal plot, whilst the end of the garden of 93 Lennard Road (No 93) is situated to the rear of the appeal plot.

Outlook (Nos 91, 93 and 39)

10. Whilst the proposed dwelling would be moderately set off the boundaries of No 91 and No 39, it would introduce tall bulky gables which would directly face towards and span much of the width of these two gardens. I find that this would have an oppressive and overbearing effect on the outlook of the users of these garden areas which would be harmful to their living conditions. The flattening of the ground levels to match the neighbours ground levels would be insufficient to mitigate this harm.
11. The separation of the proposed dwelling from the boundary of No 93, along with its orientation where the pitched roof, rather than gable, faces the garden, is sufficient not to result in a harmful impact on outlook for the occupiers of the property.
12. Whilst the appellant has highlighted various plot relationships within the wider area, this does not justify the specific harm that I have identified to the adjacent neighbours due to the specific design of the appeal scheme.

Overshadowing (Nos 91 and 93)

13. The appellant has submitted an Overshadowing Report which concludes that the appeal scheme would comply with the BRE guidelines in relation to the adjacent neighbours, and the appeal proposal would not result in unacceptable overshadowing to No 91 and No 93.
14. I acknowledge that the Council has questioned the modelling of the report. However, I have not been presented with alternative evidence which would lead me to a different conclusion on this matter than that reached by the Overshadowing Report.
15. I am therefore satisfied that I have sufficiently compelling evidence to conclude that the appeal proposal would not cause harm to the living conditions of the garden areas of No 91 and No 93 by way of overshadowing.

Overlooking (No 93)

16. The rear of the proposed dwelling has no windows above ground floor level, however, it would include rear facing rooflights. Whilst these rooflights would be observable from the garden of No 93, I am satisfied that given their form as modest rooflights, their presence would not be so imposing that it would result in a sense of being overlooked by users of the garden at No 93. Furthermore, a condition could be used to ensure these were obscurely glazed to mitigate any direct overlooking from the windows. I am therefore satisfied that the occupiers of No 93 would not be subject to overlooking or a sense of being overlooked and their living conditions would be maintained in this regard.
17. Whilst I have not found harm in relation to overlooking and overshadowing, I have found that the appeal proposal would result in a loss of outlook to the users of the gardens of No 91 and No 39. As a result, the appeal proposal would be contrary to Policies 4 and 37 of the BLP and Policy D3 of the LP. These Policies, amongst other matters, seek to ensure development is designed in order to respect the amenity of neighbouring occupiers and provide healthy living environments.
18. I note that the Council has referred to conflict with Policy D4. However, this does not contain any specific provisions relating to living conditions so is not relevant to this main matter.

Other Matters

19. I note that the appellant has raised an example of a dwelling granted by the Council at 187 Goodhart Way (ref. 21/02260/FULL). However, I do not have the full details of the scheme before me. Furthermore, the individual circumstances present at the appeal site, including the relationship with the adjacent neighbours and the specific design of the scheme has meant that I have found harm in relation to both main matters. The presence of this example does not diminish the harm that I have identified in relation to the appeal scheme which I have assessed on its individual planning merits. Reference to this planning permission has not altered my findings in relation to the main issues.
20. The appeal proposal would include the addition of an unallocated on-street parking space. Whilst there would be a net increase in on-street parking spaces, there would also be a net increase in dwellings as a result of the appeal proposal which would increase the requirement of on-street parking. The on-street parking provision would therefore be a neutral consideration.

Planning Balance

21. It is common ground that the Council cannot demonstrate a five-year housing land supply, with the Council's officer report setting out an uncontested position of 2.96 years. The Housing Delivery Test also shows that the delivery of housing by the Council was substantially below (less than 75% of) the housing requirement over the previous three years.
22. As such, the provisions of paragraph 11(d) of the Framework are engaged. There are no policies in the Framework that protect areas or assets of particular importance that are relevant to the appeal site and which provide a strong reason for refusal. Therefore, paragraph 11(d)(ii) is engaged.
23. The Government's objective is to significantly boost the supply of housing, including through small and medium schemes. The proposal would make use of urban brownfield land to provide one new dwelling, contributing towards the Council's housing land supply. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters at most attract moderate weight.
24. There would also be some additional benefits surrounding surface water drainage, biodiversity, anti-social behaviour and pedestrian safety. However, these matters provide only limited weight in support of the proposal.
25. Whilst the proposal may provide a suitable standard of living conditions for future occupiers, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my considerations.
26. In my assessment, I have found that the appeal proposal would be harmful to the character and appearance of the area and to the living conditions of the occupiers of the neighbouring properties at No 91 and No 39. The harm caused would be substantial in the context of the provisions of paragraph 125(c) of the Framework. The importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework, where it is clear at paragraph 139 that development which is not well designed should be refused. I also note that whilst paragraph 124 of the Framework seeks to make effective use of land, this is to be achieved while also safeguarding and improving the environment and ensuring safe and healthy living conditions.
27. Therefore, the conflict between the appeal proposal and Policies 4 and 37 of the BLP and D3 and D4 of the LP should be given significant weight against the scheme.
28. As such, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, in this case, the presumption in favour of sustainable development, as set out in the Framework, would not apply.

Conclusion

29. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR