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## Appeal Decision

Site visit made on 28 May 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

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**Appeal Ref: APP/G5180/W/25/3358666**

**26 Edward Road, Bromley BR1 3NQ**

- 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 Ben Carrington of BenSez Property 2 Ltd against the decision of the Council of the London Borough of Bromley.
  - The application Ref is 24/02966/FULL1.
  - The development proposed is demolition of existing two-storey detached house and construction of 2 semi-detached buildings of 4 dwellings of two storeys plus roof space.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The effect of the development on protected species, specifically bats, was not listed as a reason for refusal on the decision notice. However, the Officer report acknowledges that the existing residential building has several bat roosting features and therefore further survey effort is required. I consider it to be a main issue in this appeal. The appellant was given the opportunity to comment as to whether the required survey works have been undertaken. I have had regard to their comments as part of my determination of this appeal.

### Main Issues

3. The main issues are the effect of the development on:
  - the character and appearance of the area, and
  - protected species, with particular regard to bats.

### Reasons

#### *Character and appearance*

4. The appeal site sits within a sub-urban area primarily comprised of spacious residential plots. Landscaping is a dominant feature within the surrounding area with frequent street trees as well as belts of landscaping within rear gardens and alongside roads.
5. The site itself sits at the junction between Edward Road and Lodge Road and forms the residential plot of 26 Edward Road (No 26) as well as part of the garden of 24 Edward Road. The existing dwelling at No 26 has a dual frontage to both roads albeit the Council identify the principal elevation to be the one towards Lodge Road. On the opposite side of Lodge Road there is a golf course which is

recognised as Metropolitan Open Land (MOL). The belt of landscaping along Lodge Road forming the boundary of the golf course adds positively to the landscaped character of the area.

6. The residential plots within the immediate surroundings predominantly accommodate detached dwellings of varying scale and design. Gardens are typically long, forming back-to-back arrangements within development blocks, albeit there are some variations to this, particularly around corner plots, including Ashdown Lodge and Garden Lodge which are adjacent to the appeal site. These plots have shorter gardens, but their overall widths are still relatively consistent with other plots in the area. There is a general set back of dwellings from the highway which gives the area a distinct spaciousness and sub-urban character. The Lodge Road frontage of the appeal site forms a notable and rare break in built form which contributes to the open character of the area at a transitional point adjacent to the MOL.
7. The appeal proposal is for the demolition of the existing dwelling and the erection of two pairs of semi-detached properties. Whilst the appeal proposal would partially infill the gap along the Lodge Road frontage, this arrangement would be similar to the development on Garden Road which already has dwellings overlooking the MOL.
8. The absence of built form currently experienced along the Lodge Road frontage is not a defining feature of the area and is more an anomaly when compared to the proximity of other residential properties to one another in the immediate area. The development would therefore not be likely to lead to similar forms of redevelopment in the area. The proposal would not occupy the entirety of this space and views either side of the proposed built form would still be possible. This would maintain some of the positive contribution to the open character of the area which the site provides.
9. The appellant has provided examples of relatively modest separation distances between neighbouring properties in the surrounding area. The Council contend that the majority of the houses towards the northern end of Edward Road have generous gaps and a sense of spaciousness about the dwellings. From my site observations it was clear that gaps between dwellings are not consistent. Whilst the appeal proposal would have elements of built form close to the site boundaries, the overall distance to neighbouring built form and site boundaries on the whole would not be dissimilar to other relationships in the area.
10. Nevertheless, in introducing semi-detached dwellings, the proposal would create plot sizes which are much narrower than the established and defining character of the area. In respect to the pair of dwellings at the corner, broadly in the position of the dwelling to be demolished, the narrowness of the plots would not be visually obvious noting the dual frontage design. This would be similar to the appearance established through the host dwelling which addresses both road frontages and if anything would add more balance to Edward Road introducing a building line broadly aligned with the adjacent neighbour.
11. The other pair of dwellings, proposed to front Lodge Road have also been designed to appear as a single dwellinghouse with only one main entrance towards Lodge Road. However, the plot distinction would be more notable here given the level of frontage car parking and factors such as refuse stores for both

dwelling along the site frontage. The introduction of semi-detached dwellings, and their associated narrower plot widths represents a departure from the existing pattern of development in the area which undermines the spatial characteristics of the area.

12. The Council refer to various policies in their reason for refusal including Policy 1 of the Bromley Local Plan (BLP) (2019) which relates to the delivery of additional homes. Given that the proposal would amount to the provision of three additional dwellings, I find no conflict with this policy specifically. Reference is also made to Policy H2 of the London Plan (LP) (2021) which relates to the active support for new homes on small sites including through a mix of housing supply. I have found no direct conflict with this policy.
13. Policy 8 of the BLP is also referred to. This sets out that for a proposal of two stories, it will normally be required to achieve a minimum of 1 metre space from the side boundary of the site to be retained for the full height and length of the building. One of the proposed plots would at its rear corner be close to the proposed site boundary in breach of the 1 metre distance required by the policy. However, in the context of the flexibility afforded through the policy wording (through the use of the word normally), I do not consider that this one corner would amount to conflict with Policy 8 of the BLP on the whole.
14. Policy D1 of the LP relates to the requirement for Boroughs to undertake area assessments in order to develop an understanding of the qualities and values of different places. Policy D6 of the LP seeks housing developments of a high quality design albeit more in relation to internal standards and specific design aspirations, including dual aspect dwellings which would be achieved through the appeal proposal. I have found no specific conflict with either of these policies arising from the appeal proposal.
15. Policies 4 and 37 of the BLP relate more generally to design including requiring proposals to respect local character and complement the layout and form of adjacent buildings and areas. This is mirrored by Policy D3 of the LP which seeks to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness, including through building types and forms.
16. The narrow plot widths associated with the appeal proposal, when compared to the established character of the area, would fail to respect the local defining characteristics of the area. The proposal would therefore have a detrimental effect on the character and appearance of the area and would be contrary to Policies 4 and 37 of the BLP as well as Policy D3 of the LP.

### *Protected species*

17. The evidence before me demonstrates that the site was subject to a Preliminary Ecological Appraisal (PEA) (dated July 2024). The results of this survey clearly state that the existing residential building, proposed for demolition, is classed as having a high suitability to support roosting bats. The recommendations of the PEA are that further surveys are required. The appellant has confirmed that no additional surveys were undertaken following the PEA.
18. Based on the results of the PEA, there is a reasonable likelihood of protected species being present on the site. The demolition of the existing building may therefore have adverse effects to bats which are a protected species. In the

absence of further surveys, the presence or otherwise of protected species is not known. Subsequently it is not possible to define the extent to which protected species may be affected by the proposed development.

19. The Council have suggested that matters of ecology and biodiversity could be dealt with by condition to which the appellant has confirmed they are agreeable. However, a condition for further survey works should not be imposed other than in exceptional circumstances. The appellant states that the reason for the recommendation for additional surveys was due to a lack of access to the loft of the building. Nevertheless, I have not been presented with, nor have I identified any exceptional circumstances which would justify conditioning further survey works.
20. The National Planning Policy Framework (the Framework) sets out that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Based on the evidence before me, I cannot be satisfied that significant harm to biodiversity, specifically bats which are a protected species, would not occur. The provisions of the Framework therefore indicate that the appeal should be dismissed on this basis.

### **Other Matters**

21. Both parties have referred to a previous outline application at the site which was approved in 2008 and renewed in 2011. This application related to a single detached dwelling and therefore it does not set a precedent for the development proposed in the appeal scheme before me, which is for a higher quantum of semi-detached dwellings.
22. Third party representations refer to the site being within a conservation area, however the Council have confirmed within the officer report that this is not the case. Reference has also been made to listed buildings on Lodge Road. Both parties have been invited to comment on the presence of these listed buildings. Given the proximity to these buildings, and the intervening built form, the proposal would not affect the setting of nearby designated heritage assets, the significance of which would therefore not be harmed.

### **Planning Balance**

23. The proposed development would harm the character and appearance of the area and have a potentially harmful effect on protected species, specifically bats. The proposal would not accord with the development plan. On the other hand, the proposed dwelling would be within a sustainable location and the Framework indicates that windfall sites should be supported.
24. The Government's objective as set out in the Framework is to support sustainable housing growth. The Council confirm they can only demonstrate a 2.4-year supply of deliverable housing sites. It therefore follows that paragraph 11 d) of the Framework is engaged. In this case it means granting permission unless 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, having particular regard to key policies including those to secure well-designed places and protect biodiversity.

25. The level of actual harm to the character and appearance of the area would be modest, primarily relating to the width of the residential plots. Three net additional dwellings would not greatly improve the total housing supply for the Borough but when set against the housing supply position identified above, any additional provision would be valuable. These are considerations that weigh heavily in favour of the scheme.
26. Nevertheless, the potential harm to protected species, which cannot be appropriately mitigated through condition, significantly and demonstrably outweighs the benefits associated with the housing provision, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

### **Conclusion**

27. I have concluded that the proposal would conflict with the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

*L Gardner*

INSPECTOR