



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

Appeal Ref: APP/G5180/W/25/3359027

70 Goddington Lane, Orpington, Bromley BR6 9DY

- 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 Clive Wiesbauer of Bourneford Ltd against the decision of the Council of the London Borough of Bromley.
 - The application ref is DC/24/01308/FULL1.
 - The development proposed is erection of two new 4 bedroom 2 storey dwellings, and associated landscaping on land to the rear of 70 Goddington Lane with new vehicle and pedestrian access to the highway from the end of Warwick Close.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two new 4 bedroom 2 storey dwellings, and associated landscaping on land to the rear of 70 Goddington Lane with new vehicle and pedestrian access to the highway from the end of Warwick Close, at 70 Goddington Lane, Orpington, Bromley BR6 9DY in accordance with the terms of the application, Ref DC/24/01308/FULL1, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of 72 Goddington Lane, with particular regard to outlook, privacy and disturbance.

Reasons

Character and appearance

3. The appeal site sits within a sub-urban, primarily residential area formed mostly of detached dwellings. It forms part of the existing long rear garden of 70 Goddington Lane which adjoins the turning head at the end of Warwick Close. Plot sizes and garden lengths vary significantly within the area, with No 70 being one of a limited number of properties with an uncharacteristically long garden.
4. Overall, the length of rear gardens in the surrounding area are reduced through existing cul-de-sac developments, including Warwick Close, between Goddington Lane and Charterhouse Road. These cul-de-sacs form an established part of the character of the area to a degree that they are a more prominent defining feature than the long rear gardens which the appeal site is an example of.

5. The existing dwellings on Warwick Close are set back from the highway with relatively open, partially landscaped frontages, cumulating in an open aspect at the end of the cul-de-sac across the rear gardens of Goddington Lane. There are some examples of relatively consistent building lines, including between No 12 and No 14, but building lines are not so uniform or regimented that they form a defining characteristic of the cul-de-sac.
6. The appeal proposal seeks to introduce two additional dwellings within the existing rear garden of 70 Goddington Lane. The length of the rear garden has scope to accommodate a division creating plot sizes which would be commensurate to others in the area. Noting their positioning and proposed access from Warwick Close, the proposed dwellings would be interpreted as a continuation of the cul-de-sac. Whilst there would be some deviations to the design in comparison to the existing dwellings, the proposal would take sufficient cues from the existing dwellings at Warwick Close which would lead to their assimilation as part of the cul-de-sac.
7. Unit 2 would deviate from the building line established through No 12 and No 14. However, the step in the building line would not be so obtrusive in the street scene to amount to harm, and would be partially mitigated by the cat slide roof design which would break up the bulk of the development. The stepped building line would be similar to the existing relationship between No 15 and No 17 on the opposite side of the cul-de-sac.
8. The function of the turning head at the end of the cul-de-sac would be maintained despite the extension of the road to create the additional driveways. A sense of openness at the end of the cul-de-sac would also be maintained through the space between built form necessitated by the presence of the highway. The greenery within the rear gardens beyond would still form a prominent feature within the street scene. Additional landscaping at the site frontage would contribute positively to this character, in line with the softer frontages elsewhere within the cul-de-sac.
9. Policy 3 of the Bromley Local Plan (BLP) (2019) is specifically related to backland and garden land developments requiring compliance with a number of criteria, including in relation to the impacts on character and appearance of the area. Policy 37 of the BLP relates more generally to design requiring, amongst other matters, for developments to complement the form of adjacent buildings. I have concluded above that the proposal would positively respond to the established character and appearance of the area. It would therefore comply with Policies 3 and 37 of the BLP in respect to this main issue.

Living conditions

10. Policy 37 of the BLP also relates to living conditions requiring proposals to respect the amenity of occupiers of neighbouring buildings, including in relation to privacy and overshadowing. Policy 3 of the BLP also seeks for there to be no unacceptable impact on the residential amenity of existing occupiers including through loss of privacy and disturbance from additional traffic.
11. The Council's concern in relation to living conditions specifically relates to the occupiers of No 72 Goddington Lane. Whilst the development would be visible to the occupiers of this property, the closest dwelling, Unit 2, would still be some distance away and at an oblique line of sight. The relationship between the

proposal and No 72 would be similar to relationships between dwellings which are established between the rear of Goddington Lane and Warwick Close.

12. The comings and goings associated with the development are more likely to be perceived by the occupiers of the properties along Warwick Close than No 72. However, owing to the scale of the proposal these would be limited in extent and in character with the residential context within which the appeal site sits.
13. Based on the above, I conclude that the proposal would also comply with Policies 3 and 37 of the BLP in relation to the living conditions of the occupiers of 72 Goddington Lane, with particular regard to outlook, privacy and disturbance.

Other Matters

14. Interested parties have raised concerns relating to numerous issues including the impact to wildlife and trees, the width of the highway and the perceived inadequacy of parking provision, the impact on existing services including drainage, and outlook and loss of sunlight to neighbouring properties at Warwick Close. These are not matters in dispute between the main parties and I have no substantive evidence before me to reach a different view from the Council with regards to these issues. Furthermore, from my own observations on site, separation distances would be sufficient, and positioning of dwellings would ensure no adverse overbearing or loss of sunlight impacts would be likely to result.
15. It is also stated that the site is within close proximity to an existing school and that the traffic associated with the development could lead to detrimental safety implications to students. However, I note that the school is on the opposite side of Goddington Lane, some distance from where the proposed dwellings would be accessed. The development proposed is for two family sized dwellings in a residential area. I do not consider that the traffic generated with the development would have a significant or perceivable impact on users of the nearby school. Any associated disruption through the construction process would be limited to a finite period of time.
16. The issue of impact on property values and loss of views have also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property, nor the protection of a right to a view (in the context that the wider living conditions are satisfactory which would be the case here).
17. Concern has been raised that the proposal could set a precedent for further forms of development at the rear of Goddington Lane. However, I have little substantive evidence before me to suggest that this would be the case. I have assessed the appeal proposal before me on its individual merits which would also be required were any further development proposals to come forwards in the future.
18. There is a suggestion that the host dwelling is in the hands of fixed charge receivers and that the appellant does not have a right of way to cross over the existing dropped kerb at the end of Warwick Close. I note that the red line site location plan includes part of the dropped kerb at the end of the cul-de-sac and that the application form included relevant certificate of ownerships. I therefore have limited evidence before me in relation to these matters which would lead me to an alternative conclusion on the main issues above.

19. The Council have provided an appeal decision dated October 2024 within the same borough. I understand that the purpose of providing this decision is not to demonstrate comparisons with the appeal scheme, but to confirm the position in relation to the Council's housing land supply at that time.

Conditions

20. I have considered the conditions put forward by the Council, having regard to the six tests set out in the National Planning Policy Framework. Where necessary I have amended the wording in the interests of precision and enforceability.
21. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans. The plans show the external materials, so I have also imposed a condition ensuring that the development is constructed in line with the details shown on the plans.
22. The Council have suggested a condition in relation to the provision of hardstanding for the cleaning of vehicles. However, this could adequately be dealt with within a wider construction method statement condition which I consider is necessary to safeguard the living conditions of neighbouring residents.
23. It is necessary to control surface water drainage through condition, noting that the development would introduce areas of built form and hardstanding on a site that as existing is predominantly laid to grass. I have incorporated the Council's suggested condition for permeable hardstanding and detailed design from the submitted "Surface Water Strategy" report into one condition.
24. The submitted plans show the provision for the storage of bins close to the highway edge. I consider it necessary to condition the delivery of this space to encourage the collection of recyclable materials in the interests of environmental sustainability.
25. Although the submitted plans indicate materials for the boundary treatments, the positioning of these are not clearly shown on the proposed site layout. I therefore consider it necessary to condition the submission of further details in the interests of visual amenity and to safeguard the living conditions of both prospective occupiers and neighbouring residents.
26. I have identified in the reasoning above that the proposed landscaping would assist in mitigating against the impacts of the built form associated with the development. It is therefore necessary to condition the delivery of additional landscaping as shown on the submitted plans.
27. The Council have suggested a condition for a charging point for an electric vehicle, but this is secured through Building Regulations for new dwellings and therefore it is not necessary for me to also impose it on the decision. The plans also already show the provision for covered and lockable cycle storage and therefore I do not consider it necessary to condition further details.
28. Conditions securing the delivery of parking spaces and appropriate visibility splays are necessary in the interests of highway safety. I note that the Council's Highway Officer comments reference standard conditions, including in respect to a lighting scheme and turning area, but no further details have been provided and so I cannot be satisfied that these conditions would meet the relevant tests. The condition suggested by the Highway Officer in relation to street furniture is not

necessary given that, at the time of my site visit, there was no existing street furniture which would be affected by the development.

29. A condition in relation to meeting building regulations for accessible and adaptable dwellings is reasonable in the interests of maintaining acceptable housing standards and to comply with the London Plan (2021).
30. The Council have suggested a condition to remove permitted development rights for the dwellings. However, no exceptional circumstances have been presented to justify the imposition of this condition and therefore I do not consider that it would meet the necessary tests. A condition has also been suggested in relation to slab levels and existing site levels, but these are already demonstrated on plan reference DE076 3.E and therefore this condition is not necessary.
31. In respect to the pre-commencement conditions in relation to the construction management plan and surface water drainage, the appellant was given notice in accordance with Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. Confirmation has been received that the appellant would be satisfied with the imposition of these conditions.

Conclusion

32. For the reasons set out above, and having regard to all other matters raised, the proposal is considered to accord with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

L Gardner

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the Location Plan (produced 2nd April 2024) and drawing nos, GA075 3.D, GA200 2.C, GA210 3.C, GA111 3.D, GA101 3.D, GA100 3.E, GA 110 3.E, DE075 3.D and DE076 3.E.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from construction works;
 - delivery, demolition and construction working hours;
 - details of construction traffic movements including travel routes and estimated number and time of construction vehicle trips to the site with the aim of reducing the impact of construction related activity;
 - swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary;
 - measures to provide safe pedestrian movement.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the principles outlined within the submitted "Surface Water Strategy" report dated March 2024, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - i) demonstrate that surface water from the site shall not discharge on to the highway;
 - ii) include permeable paving for any areas of hardstanding.

The development shall be carried out in accordance with the approved details.
- 5) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing nos DE075 3.D, GA200 2.C, and GA210 3.C.
- 6) The development hereby permitted shall not be occupied until the arrangement for storage of refuse (which shall include provision for the

storage and collection of recyclable materials) has been provided in accordance with plan no. DE075 3.D.

- 7) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.
- 8) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with plan no. DE075 3.D. Thereafter those spaces shall be retained for the parking of vehicles only.
- 9) Before any part of the development hereby permitted is first occupied the access shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays. The visibility splays shall be retained as such thereafter.
- 10) The development hereby permitted shall not be occupied until the Building Regulations requirements for accessibility and adaptability have been complied with.
- 11) All planting, seeding or turfing comprised in the approved details of landscaping shown on plan no. DE075 3.D shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END OF SCHEDULED CONDITIONS