



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/25/3361023

12 Blyth Road, Bromley BR1 3RX

- 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 Varinder Jit Singh against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/02341/FULL1.
 - The development proposed is demolition of six garage / lockups and the construction of a single bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Within the appellant's statement, the neighbouring property, 14 Blyth Road, is referred to interchangeably as being locally listed and listed. It is clear from the Council's evidence that No 14 is locally listed and is therefore a non-designated heritage asset. The Council have confirmed that there are no listed buildings within close proximity to the site and therefore the statutory duties under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 do not apply.

Main Issues

3. The main issues are the effect of the proposal on
 - the character and appearance of the area, including the effect on the setting of the adjacent non-designated heritage asset, 14 Blyth Road, and
 - the safety of the highway network, with particular regard to access and the provision of parking.

Reasons

Character and appearance

4. Blyth Road is comprised predominantly of large Victorian and Edwardian detached houses set within generous plots. The adjacent neighbour at No 14 is recognised as a non-designated heritage asset. A number of the buildings have been converted to either commercial uses or flats, albeit on the whole they retain their original form. There are also more modern buildings in relatively close proximity to the site, including a cul-de-sac of modern dwellings at Karen Court and a hotel on the corner of Blyth Road and London Road. Large trees are a distinctive feature

within the street and through glimpsed views in rear gardens. These give the area a spacious and sub-urban character.

5. The appeal site itself features a large, detached building with projecting bay windows and a pitched roof porch which are typical features in the immediate street scene. There is a narrow access to the side of the building which leads to the rear garden in which there is a detached flat roof building comprising six garages. The host building has been divided into four flats.
6. The appeal proposal seeks to replace the garage building with a single storey dwelling abutting the rear boundary of the site. It would therefore be a form of backland development which Policy 3 of the Bromley Local Plan (BLP) (2019) states will only be acceptable where a number of criteria are met, including that there is no unacceptable impact on the character and appearance of the area.
7. The sub-division of the plot to create an additional residential curtilage would result in a plot size which would be at odds with the spacious nature of the plots in the immediate street scene. Whilst the relative areas of built form to site area vary considerably elsewhere in the area, the proposed dwelling would be very much read in the context of the host building and its attached neighbours of similar scale, plot size and appearance. It would therefore be an incongruous form of development, out of keeping with the prevailing pattern of development in the immediately surrounding area.
8. The form of the building would be single storey with a mansard roof. Although this would reduce the prominence of the dwelling, it would fail to correspond to the established character of the surrounding area which is predominantly formed of two storey buildings with hipped and pitched roofs. The appellant contends that lead covered mansard roofs were used frequently in the 1880s when the buildings were constructed, and that the building would echo that of a stable or outhouse. However, based on the evidence before me, I have little to suggest that this would be the correct historic interpretation of the site which would justify the form of development proposed. I have therefore given these points little weight in my decision.
9. The Council have raised specific concern in relation to the setting of the adjacent non-designated heritage asset at No 14. It is stated that the increased use of the proposed access will impact negatively in heritage terms but no further explanation of this has been provided. The access would be on the opposite side of the site, away from No 14. The single storey form of the dwelling, and the level of tree cover between the site and No 14 would largely screen the dwelling from No 14, particularly in the summer when the trees are in full leaf. The level of impact on the setting of the non-designated heritage asset would therefore be limited to a degree that no specific harm would arise to the setting of No 14.
10. The Council are also concerned in respect to the proliferation of clutter such as fences and hardstanding. However, the proposed plans show that this would be relatively limited with large areas of the site remaining landscaped. If the appeal were to be allowed, then a condition could be imposed to control the introduction of further fences and hardstanding which would appropriately mitigate any future potential impacts.
11. The appellant is of the view that the proposed dwelling would lead to an improvement upon the context, character and appearance of the area in

comparison to the existing garages. However, the creation of a formal planning unit would have a much more imposing impact even with the proposed landscaping and use of sympathetic materials. As above, I have found that the form of the building, and its associated plot size would fail to correspond with the established character of the area and would therefore be an inappropriate form of backland development.

12. Based on the above, I conclude that the proposal would have a materially harmful impact on the character and appearance of the area. Policies 4 and 37 of the BLP relate generally to design, requiring amongst other matters for developments to compliment the qualities of the surrounding area. The proposal would be contrary to Policies 3, 4 and 37 of the BLP.
13. The decision notice also refers to Policies 8 and 39 of the BLP. Policy 8 of the BLP relates to the requirements of side spaces but in the most part relates to proposals of more than two stories in height. There is also a requirement that higher standards of separation may be expected in certain areas but there is little in the evidence before me to suggest that this should be the case here. I have therefore identified no direct conflict with Policy 8 of the BLP.
14. Policy 39 of the BLP relates to locally listed buildings directing in part to the National Planning Policy Framework (the Framework). The rest of the policy wording refers to proposals that directly relate to non-designated heritage assets rather than their setting. Nevertheless, as above I have found that the effect on the setting of the adjacent non-designated heritage asset, 14 Blyth Road would be limited. A lack of harm in this respect does not however overcome the wider harm to the character and appearance of the area.

Highways

15. Policy 32 of the BLP states that the Council will consider the potential impact of any development on road safety to ensure no adverse impacts. Policy 30 of the BLP relates to the residential parking standards in the Borough, which for the proposed dwelling would require the provision of 1 car parking space.
16. The access to the dwelling would be too narrow to allow for the safe and convenient access and egress of vehicles even in the context of the proposal being for a single dwelling. Given the backland nature of the site, the access would be the only available route for both vehicles and pedestrians. Due to its constrained width, the use of the access would lead to potential conflict between vehicles and pedestrians to the detriment of highway safety.
17. The plans demonstrate the provision of a parking space, however based on the width of the access, the parking space indicated would be essentially unusable. The appellant has provided photographs of a vehicle using the access, but this only serves to demonstrate how tight the arrangement is. Whilst it may be physically possible for some vehicles to pass, the majority of prospective occupiers would likely view the arrangement to be too constrained.
18. This could lead to vehicles (occupiers or their associated visitors) entering the site before determining that the access is not suitable and in turn having to reverse out of the site onto the highway. This would lead to potential conflict with pedestrians on the footway or other vehicles using the highway, again to the detriment of highway safety.

19. It is noted that as existing the site serves garages. However, the Council states that there is no planning history for these. Moreover, there is little evidence before me to suggest that they are regularly used for the parking of vehicles at present. Based on my site observations, I am of the view that their size would be constrained for most modern vehicles.
20. The appellant has suggested that additional space could be achieved through a part reduction of the chimney on the host building. However, this does not form part of the proposals and based on the evidence before me, I am not convinced that this forms a plausible mitigation option or indeed that this would achieve the necessary distance to make the access wide enough. It is also suggested that motion activated lighting could be installed but this would not overcome the narrowness of the access.
21. Within their statement, the appellant has referenced standards set by various other Boroughs including Croydon and Hammersmith and Fulham. These appear to relate to road restrictions rather than access widths. They would not be applicable to an access bounded by two buildings and therefore I have attached their reference very little weight in my decision.
22. The Council have included personal injury collision data for a 36month period up to November 2024. Nevertheless, these do not relate to the site itself and therefore I find the relevance to the appeal proposal before me limited.
23. Whilst it would be plausible for occupiers to move bins to the highway edge, this does not overcome the overall materially harmful impact that the proposal would have on the safety of the highway network, with particular regard to access and the provision of parking. The proposal is therefore contrary to Policies 30 and 32 of the BLP.

Other Matters

24. The appellant has referred to a lack of neighbour objections and a lack of harm in relation to various other matters including landscaping and living conditions. Nevertheless, a lack of harm in these respects does not overcome the harm that I have identified in respect to the character and appearance of the area and the safety of the highway network.
25. The proposed development would harm the character and appearance of the area and would have a detrimental impact to highway safety. It 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. This represents a benefit to the proposal.
26. 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 deliver a safe highway network.

27. I find that the adverse impacts on the character and appearance of the area and the safety of the highway network significantly and demonstrably outweigh the benefits associated with a single dwelling, 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

28. 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