



Appeal Decision

Site visit made on 7 May 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/G5180/W/24/3357407

Sandover Centre, 129a White Horse Hill, Chislehurst, Bromley BR7 6DQ

- 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 J Fitzgerald against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/03565/FULL1.
 - The development proposed is a revised application for demolition of existing garage block and erection of single storey, 2-bedroom dwelling with associated car parking, cycle and refuse areas, electric charging point and amenity area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that the description of development on the Council's decision notice differs from that on the application form and describes the development as a 3-bedroom dwelling. For the avoidance of doubt, I have taken the description as it appears on the application form in the banner heading above and assessed the appeal based on the submitted plans, which show a 2-bedroom dwelling.

Main Issues

3. The main issues are whether the proposed development would provide acceptable living conditions for future occupants and the effect of the proposed development on the living conditions of the occupants of 129a White Horse Hill, with particular regard to privacy.

Reasons

Living conditions for future occupiers

4. The appeal site is located in a predominately residential area and is occupied by a single storey building. The site is accessed down a long access track to the side of 129 White Horse Hill and past 129a White Horse Hill (No 129a) which is a former office building that has been converted to flats. Residential development exists on all sides of the appeal site. To the south-east the land level rises, and the site is enclosed by a high retaining wall along the common boundary.
5. The appeal scheme proposes an L-shaped, single storey flat roofed dwelling to replace the existing building on site. The part of the building closest to No 129a would not have any windows in its flank elevation, however two windows are proposed on the opposite side of the front elevation which would serve bedrooms. Between these windows and

No 129a would be the dwelling's amenity space which would be enclosed by a 2m high fence and hedge.

6. Given the orientation and positioning of No 129a, the most sensitive elevation is the south-west facing flank elevation which has two windows that look towards the site. I note from my site visit that the ground floor windowsill on this elevation of No 129a is positioned close to the external ground level. Based on the approved plans that have been supplied for the conversion of the building to residential use (LPA Ref. 13/03760/RESPA), these are understood to serve bedrooms.
7. Due to the size, design and location of the proposed dwelling there would be a very close relationship with No 129a, with approximately 12m separation distance between bedroom windows. The windows in the new dwelling would be off set from the flank elevation of No 129a and any views from the ground floor window of this existing dwelling, which is set at a lower height, would be obscured by the proposed boundary treatment that would partially enclose the site frontage. However, despite the oblique angle, there would be a clear line of sight from the first-floor window, over a short distance, into the habitable rooms of the new dwelling. This would not secure an adequate standard of privacy for future occupants.
8. I agree with the Council that overlooking into habitable rooms over such a short distance is more sensitive than views towards the intervening garden area. It is not uncommon in a suburban residential area for there to be some overlooking into garden spaces. However, there is a greater expectation for privacy within habitable rooms. I have also considered the appellant's suggested condition to require the installation of privacy glass/bespoke glazing for the bedroom windows to allow views out, but not into, the rooms. However, even if this was installed, there would still be a perception of overlooking into habitable room windows which would not afford future occupants with an acceptable level of internal privacy. That future occupants would be aware of this arrangement prior to occupying the dwelling, and that the dwelling is in a suburban area, does not make this relationship acceptable.
9. For the above reasons, the proposal would fail to provide acceptable living conditions for future occupants of the proposed dwelling with regard to privacy. This is contrary to Policy D6 of The London Plan (2021) (the LP) and policies 4 and 37 of the London Borough of Bromley Local Plan (2019) (the LBBLP) insofar as they support high quality housing with adequate privacy and development that respects its physical context and the amenity of future occupants.

Living conditions for existing occupants

10. I am satisfied that any potential for overlooking between the ground floor windows could be mitigated by the 2m boundary treatment that is proposed to partially enclose the garden of the proposed dwelling. Furthermore, given the proposed dwelling would be single storey, any upward views towards the first-floor windows of No 129a would be restricted and would not amount to an unacceptable overlooking relationship. Consequently, I do not consider the proposed development would harm the living conditions of the existing occupants of 129a White Horse Hill.
11. Reference is made in the Officer's Report to this interrelationship compromising the outlook and living environment of occupiers of No 129a, however, the Council later concedes that given the siting, scale, height and mass of the dwelling would be similar to the existing building there would be no significant harmful effects with regard to outlook, daylight or sunlight. I see no reason to disagree with this conclusion.

12. For the above reasons, I find that the living conditions of the occupants of 129a White Horse Hill, with particular regard to privacy, would be preserved. This accords with Policy D6 of the LP and Policies 4 and 37 of the LBBLP insofar as they support development that respects its physical context and the amenity of existing occupants.

Other Matters

13. The appellant has referred to the lack of objections from consultees and several planning matters where the Council has not identified harm. This includes the development resulting in no adverse impacts on the character of the area, highways safety, ecology and being a suitable location in settlement terms. I also acknowledge that the Council has not identified harm in relation to effects on other surrounding occupiers and appreciate that the development may comply otherwise with several policies in the LP and LBBLP and with the Nationally Described Space Standards. However, these matters are neutral factors and do not alter my findings on this appeal.
14. I also acknowledge that the appeal scheme has evolved in response to the Council's refusal of a previous iteration of the development. However, I have considered this appeal on its own merits. Therefore, whether or not it represents an improvement over the former design does not alter my assessment of the proposal.

Planning Balance

15. Notwithstanding my findings on the effects on existing occupiers, I have found that the proposal would fail to provide acceptable living conditions for future occupants of the proposed dwelling with regard to privacy, contrary to the aforementioned policies of the LP and LBBLP. This is sufficient to bring the development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
16. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence from the Council indicates that the current supply is 2.4 years, which is a very significant shortfall. In this circumstance, paragraph 11(d) of the Framework is engaged. The evidence does not indicate that the appeal relates to an area or asset of particular importance, consequently paragraph 11(d)(i) does not apply. Therefore, I shall consider the proposal against the test in paragraph 11(d)(ii).
17. The proposal would fail to provide acceptable living conditions for future occupants of the proposed dwelling with regard to privacy. This harm is contrary to the Framework, which expects a high standard of amenity to be achieved for future users and consequently attracts substantial weight.
18. The development would provide a two-bedroom dwelling within an established residential area of Chislehurst, relatively close to services and facilities, where there is an identified need for 2-bed units. The proposal would deliver an additional home on previously developed land within an established residential area and as a small-site, it could be built-out reasonably quickly. Social and economic benefits would also arise during construction and after occupation. Additional landscaping would provide minor biodiversity benefits and the installation of EV car charging and cycle storage facilities would encourage low-carbon travel, providing environmental benefits. Furthermore, the outlook of No 129a would be improved due to the removal of the existing low-quality building on the site.

19. The principle of redeveloping this accessible site for housing attracts substantial positive weight in accordance with the Framework. However, as a single dwelling, the overall benefits associated with the development would be relatively limited, even taking account of the objective of significantly boosting the supply of housing in the Framework and the Council's housing land supply position.
20. Therefore, in the specific circumstances of this case, the adverse impact of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

21. The proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, the appeal is dismissed.

H Whitfield

INSPECTOR