



Appeal Decision

Site visit made on 27 May 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/G5180/W/25/3359916

Garages adjacent to No 2 Shrewsbury Road, Beckenham, Bromley BR3 4DB

- 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 Oliver Denby of Binouze Estates Limited against the decision of the London Borough of Bromley Council.
 - The application Ref is 24/03571/FULL1.
 - The development proposed is described as 'Re-development of garages on site between and part behind No 2 and 4 Shrewsbury Road, to provide 1 pair of semi-detached dwellings, each 3B5P, and 1No single storey(2B4P) dwelling at the rear, and private amenity spaces, and alterations to existing dropped kerb.'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Oliver Denby of Binouze Estates Limited against the London Borough of Bromley. This application is the subject of a separate decision.

Background and Main Issue

3. The appeal is made against a failure to give notice within the prescribed period of a decision on an application for planning permission. Following the submission of the appeal, the Council provided a putative reason for refusal. Mindful of this, and taking into account comments from third parties about the submitted biodiversity net gain information, I consider the main issues to be:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the minimum information requirements set out in Article 7 of the DMPO that should accompany applications that are subject to the biodiversity net gain condition have been met.

Reasons

Character and appearance

4. The appeal site comprises a group of disused flat roofed garages situated between 2 and 4 Shrewsbury Road (No 2 and No 4). Shrewsbury Road largely consists of two-storey terraced, semi-detached and detached houses, many of which have bay windows, gable features and varying roof forms. The properties generally maintain a consistent building line with modest front gardens or driveways.

Together, these factors contribute to the cohesive and traditional suburban character of the street scene, with mature trees enhancing its visual appeal.

5. Planning permission was granted at appeal¹ for the demolition of the garages and erection of one three-bedroom detached house at the front of the appeal site and one three-bedroom detached bungalow in the rear portion of the site (the approved scheme). The Inspector in that appeal concluded that the approved scheme would relate well to the character and appearance of the area.
6. The appeal proposal is for the erection of a pair of three-bedroom semi-detached two-storey dwellings facing Shrewsbury Road and a single storey two-bedroom dwelling in the rear part of the site. The Council raises no objection in principle to the residential development of the appeal site and the proposed single storey dwelling in the rear section of the site. Based on the evidence before me and my own observations on site, I have no grounds to disagree.
7. However, the proposed semi-detached dwellings would appear unduly narrow and constrained in form compared to the established pattern of development along the street, which is characterised by wider plots, more generously proportioned dwellings and a consistent rhythm of built form. Consequently, the proposal would result in a form of development that would appear visually compressed, out of proportion and thereby incongruent within its context.
8. The proposed plot sizes of the semi-detached dwellings are markedly smaller than those of the prevailing pattern of housing development in the surrounding area. This would result in development that would fail to respect the character of housing in the street which is defined by more generously sized plots and deeper rear gardens.
9. While the proposed semi-detached dwellings would align with the established building line along the street, match ridge heights of nearby houses, have satisfactory separation to Nos 2 and 4 and incorporate sympathetic materials and fenestration, the introduction of significantly narrower dwellings and the lack of meaningful space for landscaping at the front of the site would nevertheless result in a cramped and overdeveloped appearance that would be discordant with the more spacious character of the houses in the street.
10. The proposal may comply with the required minimum internal space standards and provide sufficient outdoor amenity space in quantitative terms. However, this does not itself demonstrate that the scheme would not harm the character and appearance of the area, particularly given the small plot sizes and narrow frontage width of the proposed semi-detached dwellings. Consequently, the proposal would appear visually and physically cramped, at odds within its surroundings, and would harmfully erode the established character of the area.
11. While Policy D3 of the LonP promotes the optimisation of site capacity, it also requires proposals to respond to existing character and have due regard to existing building forms and proportions.
12. The absence of objections from statutory consultees would not justify allowing development that would be contrary to the development plan.

¹ Ref. APP/G5180/W/24/3343772.

13. The Council has referred to conflict with Policy 8 of the BLP. However, the proposal would meet the minimum side space standard.
14. Nevertheless, for the reasons given, the proposed development would harm the character and appearance of the area. Accordingly, it would not comply with Policies 3, 4 and 37 of the Local Development Framework, Local Plan, London Borough of Bromley (January 2019) (the BLP) and Policies D3, D4 and H2 of the London Plan (March 2021) (the LonP) insofar as they require development to respect the character, appearance and context of the area and have regard to and complement the scale, form and proportion of adjacent buildings in the area and achieve high standards of design.

Biodiversity Net Gain (BNG)

15. Where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. The appellant believes that this development would be subject to the biodiversity gain condition. The pre-development biodiversity value of the site has been indicated on the Application Form.
16. However, a completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat has not been submitted. Instead, only the headline results of the metric calculation have been provided. Furthermore, the Biodiversity Net Gain Feasibility Report (dated 7 November 2024) accompanying the application only relates to the development of two-semi-detached dwellings on the front part of the appeal site.
17. The appellant has explained that two planning applications were made at the same time to the Council, namely the appeal scheme and another application for the front part of the site only comprising a pair of semi-detached dwellings. The BNG reports appear to have been mixed up.
18. The appellant has submitted a BNG Feasibility Report for the appeal scheme and the full site. However, a completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat has not been submitted to the appeal. Without this information, I cannot form a view on whether or not the Biodiversity Gain Condition is capable of being discharged successfully.
19. The minimum information requirements set out in Article 7 of the DMPO have not been met. Given BNG is a statutory requirement, this is a matter of principal importance and failure to comply with the DMPO is a fundamental flaw of the proposal.

Planning Balance

20. The proposal would harm the character and appearance of the surrounding area bringing the scheme into conflict with the development plan as a whole.
21. The BLP dates from 2019 and the LonP from 2021 but the weight to be attached to them does not hinge on their age. Rather paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. While the Framework supports development that makes efficient use of land, it advises that decisions should take account of the desirability of maintaining an area's prevailing character and the

importance of achieving well-designed places. As Policies 3, 4 and 37 of the BLP and Policies D3, D4 and H2 of the LonP are consistent with the Framework, I attach full weight to the conflict with these policies.

22. The Council is unable to demonstrate a five-year supply of deliverable housing sites, indicating a supply of only 2.4 years. In these circumstances, paragraph 11 d) of the Framework applies and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The appeal scheme would deliver three additional dwellings on a derelict brownfield site. The Framework indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. I therefore attach substantial weight to these factors. However, the associated benefits of the scheme would be moderate given the small-scale of the development.
24. Balanced against the moderate harm to the character and appearance of the area, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development, as set out at paragraph 11 applies.
25. However, as the minimum information requirements set out in Article 7 of the DMPO have not been met, the appeal must be dismissed on that basis.

Conclusion

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

U P Han

INSPECTOR