



Appeal Decision

Site visit made on 23 April 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th of July 2025

Appeal Ref: APP/G5180/W/24/3354392

31 Timbertop Road, Biggin Hill, Bromley TN16 3QR

- 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 Ms Victoria Fricker against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/03645/FULL1.
 - The development proposed is 1no. 1 bedroom detached dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for 1no. 1 bedroom detached dwelling at 31 Timbertop Road, Bromley TN16 3QR in accordance with the terms of the application, Ref DC/23/03645/FULL1, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council have confirmed that following the submission of the appeal, they do not consider that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits of granting planning permission. They therefore no longer seek to defend the appeal and have suggested conditions in the event of an approval.

Main Issues

3. Given that the Council do not wish to contest the appeal, the main issue is whether there are other considerations that might indicate that the proposal would not be acceptable.

Reasons

4. The appeal site comprises an area of garden land and parking area serving 31 Timbertop Road. The proposal relates to the erection of a one bedroom detached dwelling on the site and would replace the garage serving the main property. The land slopes steeply downwards so that the garage is below the ground level of the dwelling.
5. There is no objection from the Council to the principle of the development and it is accepted that the proposal is recognised as a windful site that would positively contribute to the supply of housing within the borough. In addition, the Council do not raise concerns in respect of the standard of accommodation, effect on neighbouring properties, design nor landscaping.

6. The Council has expressed concerns about the load of construction/delivery lorries on the retaining wall/edge of the carriageway. However, it is accepted that a detailed pre commencement Construction Management Plan would address this issue.
7. Taking all these matters together, and my considerations following the site visit, the proposal would comply with the development plan and there are no considerations that indicate that this appeal should be dismissed. The proposal would therefore comply with Policies T6 and D12 of the London Plan 2021 and Policies 30 and 32 of the Bromley Local Plan¹ insofar as they require proposals to provide adequate parking, high standards of fire safety and ensure that development does not negatively affect road safety.
8. The relevance of policies T3 and T4 of the London Plan is unclear but as the Council no longer seeks to defend the appeal, I do not need to address this further.

Conditions

9. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. In the interests of clarity, brevity and to avoid duplication, I have undertaken some rationalisation and rewording of the conditions suggested. Some of the conditions are pre-commencement conditions. I have sought and obtained the written consent of the appellant for the pre-commencement conditions which I have imposed.
10. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty. Pre commencement conditions are required to prevent the discharge of surface water to the highway and accommodate surface water drainage within the site. This is because there is no public surface water sewer near the site, and a drainage system is required to accommodate run off within the site. A further pre commencement condition requiring the submission of a Construction Management Plan is required to ensure the safe construction of the proposal.
11. Conditions to control the external finish of the development and requiring details of the hard and soft landscaping proposed are required to ensure high quality design and to preserve the character and appearance of the area.
12. Conditions requiring the provision of parking and turning space and refuse storage are required to provide adequate living conditions for future occupiers and to ensure highway safety. In addition, a condition requiring that the hardstanding /access shall be formed from permeable paving is necessary to ensure a satisfactory means of surface water drainage.
13. The suggested conditions relating to the installation of an electric vehicle charging point and provision of bicycle parking are required to minimise the effect of the development on local air quality and reduce reliance on private car transport.
14. A condition is required to control the lighting of the access drive and car parking area to protect the visual amenity of the area and ensure the safety of occupiers and visitors of the proposed development.

¹ Adopted in January 2019.

15. The Council have suggested conditions requiring the removal of PD rights in respect of buildings, structures, extensions, alterations, walls or fences and preventing future occupiers from inserting additional windows and doors. Neither would be necessary or reasonable given that any alterations to the proposed dwelling would be constrained due to the tight nature of the site, there are no residential properties close to the proposed dwelling that could be affected and the steep slope of the proposed garden area would limit development that could take place within it.
16. A suggested condition refers to the need to provide a suitable hardstanding with wash down facilities for cleaning the wheels of vehicles to prevent the accumulation of mud on the highway. Given the scale of the proposed development this would not seem necessary, but in any event, it is a matter that could be addressed as part of the Construction Management Plan.

Conclusion

17. For the reasons given above, the appeal is allowed.

V Goldberg

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 drawing nos BRO/23047/P 2 of 3 and BRO/23047/P 3 of 3.
- 3) Development shall not take place until drainage works to prevent the discharge of surface water from private land on to the highway have been carried out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 4) Development shall not take place (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The development shall subsequently be undertaken in full accordance with the details approved.
- 5) Development shall not take place until a scheme for the provision of surface water drainage is submitted and approved in writing by the local planning authority. The drainage scheme subsequently approved shall be implemented in full prior to first occupation of the development hereby approved
- 6) No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
- 7) Prior to above ground works details of both hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - earthworks showing existing and proposed finished levels or contours;
 - boundary treatments;
 - hard surfacing materials; and
 - existing vegetation to be retained and trees and plants to be planted

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with an agreed implementation programme.
- 8) Before occupation of the dwelling hereby permitted the associated parking and turning space shall be completed in accordance with the details as set out in drawing BRO/23047/P and thereafter shall be kept available for such use.
- 9) The arrangements for storage of refuse and the means of enclosure shown on the drawings hereby approved shall be completed before any part of the

development hereby permitted is first occupied, and permanently retained thereafter.

- 10) Prior to first occupation of the dwelling hereby permitted it shall be provided with a 100% active electric vehicle charging point. Details of the location of the space fitted with EVCP and the proposed charging unit shall be submitted to and approved prior to the installation of the EVCP units.
- 11) Arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works. The arrangements subsequently approved shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 12) Details of a scheme to light the access drive and car parking area hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The lighting scheme subsequently approved shall be implemented in accordance with details submitted before the development is first occupied and the lighting shall be permanently retained thereafter.
- 13) The vehicle hardstanding/access drive hereby permitted shall be formed of permeable paving in accordance with details to be submitted to and approved in writing by the Local Planning Authority.