



Appeal Decision

Site visit made on 30 June 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/G5180/W/25/3361171

147-149 High Street, Farnborough, Orpington BR6 7AZ

- 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 Mahidur Rahman Choudhury of Alvari Properties Limited against the decision of The London Borough of Bromley.
 - The application Ref is DC/24/04450/FULL1.
 - The development proposed is the construction of first floor upward extension and two storey side extension together with roof space habitable accommodation to form a ground floor commercial unit (Use Class E) and 2no. self-contained flats with associated refuse and bicycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect of the proposed development on: -
 - a) The character and appearance of the site and area and whether it would preserve or enhance the character or appearance of the Farnborough Village Conservation Area (the CA);
 - b) The living standards for future occupiers;
 - c) The living conditions of existing neighbouring occupiers at Fern Hill Place, having particular regard to overlooking and privacy; and
 - d) The living conditions of existing neighbouring occupiers at No. 145 High Street, having particular regard to light, ventilation and outlook.

Reasons

Character and appearance

3. The property falls within the CA although just inside its defined boundary. CA designations recognise architectural characteristics or historic values of an area that make such areas special and worthy of CA status. The site is at the end of an attractive row of 1930s buildings.
4. The upper storeys of the buildings within this row currently end at second floor level adjacent to the appeal site with the original gable end fenestration and other design detail clearly visible in public views. These are attractive features of the terrace that complement the architectural detailing of the terrace as a whole. These

features contribute positively to public views within the street scene. Such features provide the CA with a distinctive quality to both the character and appearance of the terrace and area and gives the local area architectural significance.

5. The extension of the existing end gable of the existing terrace would remove the gable end windows and design details from public view. Furthermore, the design, size and form of the proposal with its contrived roof form would be visually out of keeping with the existing upper storeys of the terrace and would relate poorly to both its character and appearance. Being built up to the boundaries and optimising the entire site the proposal would detract from the spatial quality of the existing street scene.
6. Consequently, the proposal would represent a visually harmful addition to this heritage terrace and to the visual character and appearance of the area. This would be so even if high-quality materials were utilised. The cramped appearance of the development would contribute to the visual harm arising from the proposed development. The fact that the site is located at the periphery of the CA does not diminish the duty of care to preserve or enhance the character or appearance of the heritage asset.
7. Given the size and scale of the proposal in the CA, I consider there would be less than substantial harm to the character or appearance of the CA. In accordance with paragraph 215 of the National Planning Policy Framework 2024 (the Framework), I must weigh the harm against the public benefits of the proposal. The proposal would provide two residential units of accommodation along with a commercial unit. This would contribute to the vitality and sustainability of the high street environment. Whilst the proposal would provide some public benefits these would be limited and would not sufficiently outweigh the harm identified. I conclude therefore that the proposed development would fail to accord with national policy.
8. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the site and area and would not preserve or enhance the character or appearance of the CA. The proposal would, therefore conflict with Policies D3, D4 and HC1 of the London Plan and Policies 4, 8, 37 and 41 of the Bromley Local Plan. These policies seek, amongst other matters, development to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape to respond to the existing character of a place. Policies also seek to conserve or enhance CA's for their special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

Living standards

9. The London Plan and its supporting Guidance - Housing Design Standards prescribes internal space within new dwellings. The Guidance requires a Gross Internal Area (GIA) of 70m² (best practice 77m²) for a two bedroom four person flat on a single level and a GIA of 37m² (best practice 41m²) for a studio style single person flat on a single level.
10. The floor space size of the flats has been stated as 67.8m² (two-bedroom flat) and 42.1m² (studio). The Local Planning Authority considers that the two-bedroom flat would be considered as a four-person occupancy due to both bedroom sizes being

above 11.5m². As such, the floor space GIA for this flat would not meet the standards. However, the appellant contends that it is designed as a two-bedroom, three-person flat and that the Local Planning Authority has applied incorrect considerations. Nonetheless, the two-bedroom flat has been designed with bedroom sizes that could accommodate occupation by four-persons. As such, it should be considered against the Standards as a two-bedroom four-person flat.

11. Further to the above, Policy D6 and the London Plan Guidance require internal layouts to be functional and fit for purpose. As a result of the building footprint both flats would be compromised by the angular form of the accommodation and restrictions to the internal head height due to sloping ceiling roof levels. This would not create a functional layout for furniture configuration and general use of the main living spaces within the accommodation for future occupants.
12. The flats would be dual aspect that would provide light and ventilation and secure cycle storage would be provided that would assist in reducing car dependency. Whilst these are benefits of the proposed development these matters do not overcome my above concerns in relation of flat size and layout.
13. For these reasons, I conclude that the proposed development would be harmful to the living standards for future occupiers. The proposal would, therefore conflict with Policy D6 of the London Plan and the London Plan Guidance Housing Standards and Policies 4, and 37 of the Bromley Local Plan. These policies seek, amongst other matters, development to be of a high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and that should meet the minimum spaces standard as prescribed.

Living conditions – Fern Hill Place

14. Outlook from the rear of the flats would be directed towards the garden area associated with Fern Hill Place. It has been advised that this is a communal amenity space for shared use by residents of Fern Hill Place. I acknowledge that this outdoor space is already overlooked by rear windows within the existing terrace and windows from existing flats at Fern Hill Place. Nonetheless, the proposal would create new and additional outlook in close proximity to this outdoor space.
15. Given the limited separation between the proposed flats and this existing outdoor living space, overlooking of the outdoor living space from elevated outlook at the rear of the proposed flats would take place. This would diminish the enjoyment of the outdoor living spaces the occupiers of Fern Hill Place should reasonably expect to enjoy.
16. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing neighbouring occupiers at Fern Hill Place, having particular regard to overlooking and privacy. The proposal would, therefore conflict with Policies D3 and D6 of the London Plan and Policies 4 and 37 of the Bromley Local Plan. These policies seek, amongst other matters, development to respect the amenity of occupiers of neighbouring buildings, provide healthy environments and ensure they are not harmed by inadequate privacy.

Living conditions - No. 145 High Street

17. It has been advised that the side windows at the end of the existing terrace are not primary windows and do not serve as the main source of light or ventilation for the

internal areas of the neighbouring property. Whilst it is said that the proposed development would not encroach upon or affect these existing openings, the development is designed to project from the side elevation of No.145 and this would remove the existing openings within the gable elevation. It may be that other fenestration associated with No.145 that is to remain may provide adequate light, ventilation and/or outlook. However, given the lack of substantive information or technical analysis it has not been demonstrated that this would be the case. As such, it has not been demonstrated that harm to the occupiers of No.145 would not result.

18. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing neighbouring occupiers at No. 145 High Street, having particular regard to light, ventilation and outlook. The proposal would, therefore conflict with Policies D3 and D6 of the London Plan and Policies 4 and 37 of the Bromley Local Plan. These policies seek, amongst other matters, development to respect the amenity of occupiers of neighbouring buildings.

Other Matters

19. The Council cannot demonstrate a 5-year housing land supply of deliverable housing sites. As such, the provisions of paragraph 11d) of the Framework should be applied.
20. Both the London Plan and the Bromley Local Plan emphasise the critical importance of utilising windfall sites to address the pressing housing demand. The proposal would boost the supply of housing. The development would make efficient use of land within a well-connected urban area that would positively contribute to urban sustainability. However, even if the housing shortfall is substantial, the benefits associated with two dwellings would be small and only make a modest contribution to housing supply. The proposal would provide economic benefits, although these would also be modest.
21. The Framework promotes the protection of heritage areas or assets of particular importance and indicates that this provides a strong reason for refusing the development proposed. The scheme would harm the significance of a designated asset. Further to this, there would be an adverse impact of the proposed development on the character and appearance of the area, standard of accommodation for future occupiers and the living conditions to existing occupiers. Taken individually and collectively these attract substantial weight and therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

22. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR