



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/24/3355326

53 Pinewood Drive, Orpington, KENT BR6 9NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr William J Thomas against the decision of The London Borough of Bromley.
 - The application Ref is DC/24/02084/OUT.
 - The development proposed is the demolition of existing garage and erection of a detached dwelling of two bedroom chalet style design, provision of parking space utilising the existing vehicular access onto South Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval being sought for access, appearance, layout and scale. Matters relating to landscaping have been reserved. I have dealt with the appeal on this basis.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on: -
 - a) The character and appearance of the area;
 - b) The living conditions of existing neighbouring occupiers; and
 - c) Highway safety.

Reasons

Character and appearance

5. The development in the area is characterised, in the main, by dwellings that front onto highways. This defines the urban grain of the area that gives this locality a sense of place and distinctiveness. Placing a dwelling within and surrounded by existing residential development would be out of keeping with the distinctive

character of the area. Furthermore, the overall size of the dwelling and its close proximity to the boundaries of the site would create a development of constrained appearance.

6. The rear gardens contribute to the spacious character of the rear of properties. The site forms part of this spacious character and, as such, makes a significant contribution to the character and appearance of the area.
7. A dwelling in this location would be harmful to the established pattern of development in the area and would diminish the pleasing spacious qualities that currently exist within the area. The visual harm arising from the proposed development would be clearly visible in the outlook of neighbouring occupiers.
8. There would be separation between the rear elevation of neighbouring properties and the proposed dwelling. The proposal would not require the removal of any important landscaping or trees or natural habitat. I acknowledge that the proposed plot size would be comparable to that of other plots in area and the height of the proposed dwelling would be modest when compared to other existing dwellings in the locality. A barn hip roof design approach has been taken with the aim to minimise the visual impact of the dwelling. Whilst these may be merits of the proposal, they do not overcome my above concern or justify the proposed development.
9. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore conflict with Policy D3 of the London Plan and Policies 3, 4 and 37 of the Bromley Local Plan. These policies seek, amongst other matters, development to respond sympathetically to the existing character of a place.

Living conditions

10. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The proposed dwelling would be within close proximity to neighbouring properties and their residential gardens. Given the overall size and proximity to neighbouring occupiers, the proposed dwelling would be a visually overbearing development in such close proximity to adjoining properties and in the outlook from neighbouring properties.
11. Furthermore, given the limited separation between the proposed dwelling and the existing dwellings with their associated outdoor living spaces, overlooking of the existing dwellings and gardens from the elevated front facing windows of the proposed dwelling would take place. This would be so despite the proposed orientation of the dwelling and the elevated dormers being positioned within the roof slope. I accept that the elevated central window could be fitted with obscure glazing as this window would serve a bathroom. However, the other two windows would serve bedrooms from which overlooking would occur.
12. The visually overbearing impact of the development along with the loss of privacy to existing neighbouring occupiers would substantially diminish the enjoyment of the residential living environment for the neighbouring occupiers, particularly that of their outdoor living space at the rear of dwellings. This would be so even if separation between dwellings would accord with the Council's standards for separation distances. Consequently, the proposal would harm the enjoyment the existing occupiers should reasonably expect to enjoy.

13. The existing fences are not of sufficient height to obviate the harm that I have identified and enhanced boundary fencing could give rise to harm to residential living conditions when taken on its own merits. There is mature landscaping at the rearmost part of the garden of No. 2 South Drive. Nonetheless, the retention of that landscaping is not within the appellant's control and therefore any mitigation in respect of overlooking it may currently provide cannot be relied upon as it could be removed by the owners of that property.
14. In addition to the above, the use of the existing access track to serve the proposed dwelling with its related comings and goings of vehicles, as well as the general activity taking place at the new dwelling, would lead to noise and disturbance to existing neighbouring properties. This would serve to further undermine their living conditions.
15. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing neighbouring occupiers. The proposal would, therefore conflict with Policies 3, 37 and 119 of the Bromley Local Plan. These policies seek, amongst other matters, development to respect the amenity of occupiers of neighbouring buildings through loss of privacy and to minimise adverse impacts on noise sensitive receptors.

Highway safety

16. The access to the main part of the site in which the dwelling would be sited is lengthy and of narrow width. It would not allow for two vehicles to pass by simultaneously thereby presenting access issues during and after the construction phase. This access currently serves a garage and parking space for the existing dwelling which is more likely to be in only occasional use. The access would form the primary access route for the proposed dwelling and would consequently be in more regular use, thereby causing potential access issues and conflict between oncoming vehicles.
17. The plans illustrate that on-site parking would be provided. A swept path analysis has been submitted in support of the appeal. The Local Planning Authority comment that the submitted drawing does not adequately show how the first car would turn around and exit in forward gear, nor does it address the second car's required manoeuvres and the lack of space for manoeuvring and turning within the site. I share these concerns. Furthermore, given the narrowness of the access construction vehicles, delivery lorries, refuse collection and emergency vehicles would struggle to use the restricted access.
18. In addition to the above, the proposal shows a refuse collection point at the end of the access track. The location of the waste facility at the entrance to the access drive within the red line application boundary of the site would impede the movement of vehicles.
19. Consequently, I do not find that suitable access would be afforded to and from the site or there to be adequate turning space within the site. Limited manoeuvring space within the site could result in vehicles associated with the dwelling being parked off-site. Development of the site with insufficient access, manoeuvring space and parking provision would place increased pressure upon the on-street parking in the area. As such, there would be an increased risk of accidents to

pedestrians and increased danger to road users whereby highway safety would be undermined.

20. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore conflict with Policies D11, D12, T3, T4 and T6 of the London Plan and Policies 30 and 32 of the Bromley Local Plan. These policies seek, amongst other matters, development to provide off-street parking for new residential development and to ensure that road safety is not significantly adversely affected.

Other Matters

21. 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.
22. The proposal would boost the supply of housing and could provide a quality family home. The standard of accommodation and its associated outdoor living space is acceptable. However, even if the housing shortfall is substantial, the benefits associated with a single dwelling would be small. Also any economic benefits during construction would be temporary and limited.
23. The adverse impact of the proposed development on the character and appearance of the area, living conditions of existing neighbouring occupiers and highway safety attracts substantial weight and therefore significantly and demonstrably outweighs 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.
24. The site is within easy walking distance of shops and local services located within Crescent Way, local bus services, Chelsfield railway station, schools and Orpington hospital. No objections have been raised to the proposal in regard of ecology, drainage or flood risk. Whilst these are merits of the scheme they do not overcome my above concerns or justify the proposed development.
25. It has been advised that the proposal is intended to be an open market dwelling rather than a self-build/custom build development, as originally put forward as part of the planning application. The appeal proposal is accompanied by both a biodiversity Net Gain feasibility statement and Net Gain matrix, which confirms the appellant's commitment to enhancing biodiversity. However, as I am dismissing this appeal for other reasons it has not been necessary for me to explore these matters further.

Conclusion

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

Nicola Davies

INSPECTOR