



Appeal Decision

Site visit made on 25 March 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th of July 2025

Appeal Ref: APP/G5180/W/24/3347559

9 Hadlow House, Flat 1, High Street, Green Street Green, Bromley, Orpington BR6 6BG

- 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 Jack Brewster (JHB Investments) against the decision of the Council of the London Borough of Bromley.
 - The application ref is DC/23/03053/FULL1.
 - The development proposed is described as: Construction of a one storey upward extension to provide 4no. additional residential units including landscaping, parking, access and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. Comments have been sought from both parties in relation to the revised Framework.
3. Further to a final comment from the appellant, I have sought and received confirmation that the Council's Statement of Case was received by them in accordance with the usual appeal timetable and therefore they were afforded the opportunity to comment.

Main Issues

4. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupiers of properties adjoining Glentrammon Road with specific regard to privacy.

Reasons

Character and appearance

5. The appeal site forms a three-storey property with commercial uses within the ground floor, flats above, and car park to the rear. There is a supermarket on two storeys to one side and another three-storey building in mixed use to the other and

the built environment in the wider area is varied in scale and design including a few larger industrial buildings. Nevertheless, the more immediate area surrounding the appeal site is low-level and primarily residential, possessing a congruence lacking in the wider area. When combined with their set-back position from the highway, the presence of the three larger buildings within the street scene is minimised, affording the area an open nature that creates a lower density, less urban character. The Landscape, Townscape and Visual Assessment (2023) (LTVA) submitted by the appellant categorises the area as being of a medium quality landscape/ townscape value.

6. Whilst the appeal building and its neighbours are already moderately taller than many of the surrounding dwellings, they collectively remain relatively low level, heavily contributing to the prevailing open character and less urban nature of this section of the street scene. Further, their comparatively similar height results in a pleasing continuity in their collective roof line, resulting in a visual concordance that benefits the character of the area. The three antenna cabinets on the appeal building project beyond the existing roof line, nevertheless, their small footprint minimises their presence, limiting their impact on the consistency in the height of the built environment.
7. The proposed additional storey would project notably above the existing roof line, and that of the neighbouring properties. It would therefore interrupt the existing continuity in building height along this section of High Street and diminish the prevailing low-level character of the surrounding built environment. The height of the proposed mansard roof would be only marginally higher than the existing antenna cabinets it would replace. Nevertheless, its far larger size, occupying the majority of the footprint of the existing second floor would result in it being far more visually prominent and harmful to the existing low level, less urban character of this section of the street scene. Further, given the steep angle of the mansard roof, it would appear as an abrupt jump in height within the existing roof scape rather than a gradual transition, appearing conspicuous in its visual discordance with the neighbouring properties.
8. The Urban Design Guide Supplementary Planning Document (2023) (SPD) states that development should not directly replicate architectural styles in order to avoid pastiche design. Nevertheless, it also requires new development to reflect and respond to the prevailing rhythm, scale, proportion and detailing of existing buildings, referencing and reinforcing distinctive/attractive elements.
9. The proposed mansard roof would have a relatively steep slope, resulting in minimal setback from the façade of the existing building, preventing any meaningful reduction in its visual bulk. Whilst its contemporary design and materials would differentiate it from the fabric of the existing building, this would do little to disguise its form and significant projection above the existing roof line and discordance with the prevailing scale and proportions of the surrounding buildings. Further, this significant jump in height particularly compared to the neighbouring buildings, would disrupt and harm the low level, less urban character of this part of the street scene.
10. The LTVA demonstrates that there would be views of the proposal from the public realm with primary views from High Street. The modest setback of the front elevation of the appeal building from the highway would result in the proposal appearing prominent when viewed by passing motorists and pedestrians. There

are mature trees present between the highway and the appeal site, providing some screening from views further north and south along the highway.

Nonetheless, these are primarily deciduous and therefore this screening is limited over the winter months. At the time of my site visit the absence of foliage provided clear views of the appeal building along a large section of High Street. As such, the proposal would appear prominent when viewed from High Street, with the field of view widened within the winter months.

11. Paragraph 125 of the Framework supports opportunities to use the airspace above existing residential and commercial premises for new homes, in particular mansard roofs, where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene. I additionally acknowledge that just because a building is taller, it is not inherently harmful. However, in this instance, given the aforementioned low level and less urban character of this section of the street scene, even though only a single additional storey is proposed, the proposal would be harmfully inconsistent with the prevailing form of neighbouring properties and the overarching character of this specific area.
12. The appellant raises the Camden Courtyards development within the SPD where an existing building was extended upward with a contemporary mansard roof. The SPD specifically says that the site has an industrial heritage with the character of the area being taller buildings and of a higher density. Therefore, I do not consider this example comparable with the proposal before me.
13. Whilst the appeal site is not located within any landscape or townscape designations nor a Conservation Area, this does not justify the harm identified above.
14. The proposal would additionally involve the replacement of a relatively small area to the rear of the existing car park with hardstanding for parking. Given the minor size of this existing grassed area and the limited views from the public realm, its replacement with hardstanding would have a limited impact on the character and appearance of the area.
15. Nevertheless, for the above reasons the proposed development would be harmful to the character and appearance of the area. As such the proposal would conflict with the relevant provisions of Policies 4 and 37 of the London Borough of Bromley Local Plan (2019) (Local Plan). When read together these policies require new development to complement the qualities of the surrounding area and respect local character.

Living conditions

16. Although the Council's evidence also mentions noise disturbance, the reason for refusal referred only to the effect of the rear balconies on privacy, so I have focussed on that aspect of the proposal. The properties to the rear of the appeal building adjoining Glentrammon Road benefit from modest rear gardens perpendicular to the appeal building. The existing windows within the rear of the appeal building closest to Glentrammon Road are small in size, offering oblique and limited views of the gardens of properties to the rear. The larger rear windows are set back and further away from this boundary, limiting views of the neighbouring rear gardens by occupiers. As such, the occupiers of these rear gardens are afforded good levels of privacy.

17. The appellant quotes an 18-21m separation distance as a rule of thumb when assessing the impact of a development on privacy, while suggesting that might be relaxed in some urban environments. The distance from the balcony to the rear gardens of the majority of neighbouring properties would be well above that. Nevertheless, the rear patio of 2 Glentrammon Road (No 2) would be approximately 20 metres from the edge of the balcony and 14 metres from the garden at its closest point. Therefore, much of that garden is materially closer would be considered acceptable, even if the appeal site was in a more intensive urban environment.
18. Furthermore, the open nature of the balcony would afford users a far greater field of vision in comparison to the existing windows within the floors below. Despite the glazed screen adjoining the side of the balcony and the angle of view being 45 degrees, its open nature would offer users standing at its edge clear views over the majority of the rear garden of No 2. I note the appellant questions the frequency users would stand at the edge of the balcony. Nonetheless, balconies are designed to be stood at, offering views out. I therefore consider it a likely occurrence that the balcony would be utilised in a way that offered views over the rear garden area of No 2.
19. The appellant has suggested a condition for the installation of an obscure glazed privacy screen approximately 1 metre to 1.5 metres in height. A privacy screen of 1 metre would do little to limit views from the proposed balcony over the rear garden of No 2. Whilst a 1.5 metre screen would greatly reduce the effect of the proposal on privacy, such a screen in combination with the obscure glazed screen adjoining the north elevation would almost completely enclose the balcony, offering completely inadequate outlook for future occupiers of the property not only from the balcony but also from the main living space. Such a condition would therefore be unreasonable.
20. Planning approval at Benjamin Court¹ was for an additional storey above an existing three-storey building including a balcony at third-floor level. Opposite the site is a row of dwellings with small rear gardens. Given their terraced nature, there is an existing high level of mutual overlooking of the rear gardens from the first-floor windows of adjoining dwellings. In comparison, there is currently a generous separation distance between No 2 and neighbouring properties that provides good levels of privacy for the occupiers of the rear garden. As such, I do not consider Benjamin Court comparable to the appeal before me. Furthermore, the approved development at Benjamin Court does not justify the harm I have found to the living conditions of the occupiers of No 2.
21. For these reasons, I conclude that the proposed development would harm the living conditions of occupiers of No 2 Glentrammon Road with particular regard to privacy. As such, in this regard, it would be contrary to the relevant provisions of Policy 37 of the Local Plan which requires new development to respect the living conditions of neighbouring occupiers by ensuring privacy is not harmed.
22. The second reason for refusal also refers to Policy 4 of the Local Plan which relates to housing design and layout. It has not been explained how this is relevant to this main issue and so I consider it weighs neither in favour of nor against this aspect of the appeal proposal.

¹ 20/04009/FULL1

Planning Balance

23. The evidence provided by the Council suggests that they have a supply of deliverable housing sites below 3 years. Further, the Council's Housing Delivery Test measurement is well below 75% of the housing requirement over the previous three years. In these circumstances paragraph 11d) of the Framework is engaged. There is nothing before me to suggest that there are any policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development under paragraph 11d)(i).
24. Therefore, the balance in paragraph 11d(ii) applies such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
25. Paragraph 135 of the Framework states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout, and are sympathetic to local character and history. Furthermore, the Framework requires planning decisions to ensure development creates places with a high standard of amenity for existing and future users. Given the above identified harm to the character and appearance of the area and to the living conditions of neighbouring occupiers, these matters combined carry significant weight against the scheme.
26. The Framework seeks to boost the housing supply and highlights the important contribution small and medium sized sites can make, whilst giving substantial weight to the value of using suitable brownfield land. Further, the Framework supports opportunities to use the airspace above existing residential and commercial premises for new homes. I additionally acknowledge that the proposed dwellings could be delivered relatively quickly using sustainable and energy efficient construction methods. The proposal would benefit existing occupiers through the provision of a communal roof terrace and lift access. It is additionally located within a sustainable location close to public transport and services generating economic benefits from the construction phase and expenditure from future occupiers. Nevertheless, given the relatively modest size of the proposal providing four additional units, even when considered in the context of what is a fairly sizable shortfall in housing land supply and delivery, I afford only moderate weight to these combined benefits.
27. The proposal would provide acceptable living conditions for future residents, including complying with space standards and the Council did not allege any harm in relation to heritage, biodiversity, air quality, flood risk or transport matters, subject to suitable conditions. Notwithstanding, these are neutral factors and as such weigh neither for nor against the proposal.
28. Accordingly, I find that the adverse impacts arising from the development would significantly and demonstrably outweigh the moderate weight attributed to the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

29. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

N Unwin

INSPECTOR