



Appeal Decision

Site visit made on 21 July 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/G5180/W/25/3361230

147-151 Westmoreland Road, Bromley BR2 0TZ

- 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 Mukesh Patel against the decision of the Council of the London Borough of Bromley.
 - The application reference is DC/24/03759/OUT.
 - The development proposed is the demolition of garages and erection of 6 no. 2 bed 3-person terrace houses, with associated parking, cycle storage, refuse storage and hard and soft landscaping, maintaining all existing rights of way.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is in outline form with only appearance and scale to be determined at this stage. I have assessed the proposal on that basis.
3. The appellant has requested that the appeal be determined with consideration given to several additional plans. These drawings introduce changes to the detailed design of the new dwellings, alter the proposed parking, refuse collection and landscaping arrangements and pedestrianise the street running between the new terraces. A revised Design and Access Statement dated January 2025, (D&AS) and a Noise Impact Assessment, dated March 2025, (NIA) have also been submitted at the appeal stage.
4. To my mind, the changes sought result in a scheme that is different in substance to that determined by the Council insofar as its appearance is concerned. While the Council has had the opportunity to consider and comment on the revised plans and these documents through the appeal process, it is unclear whether interested parties have been formally consulted or had the same opportunity. Consequently, interested parties could be prejudiced if I were to consider these additional plans, the revised D&AS and the NIA. Therefore, in the interests of fairness, I have not done so. For the avoidance of doubt, I have determined the appeal based on the plans and written material that accompanied the planning application.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the local area; and whether the proposal would provide satisfactory living conditions for its occupiers with regard to privacy, safety and security.

Reasons

Character and appearance

6. The proposal is to erect 6 terrace dwellings on largely cleared land at the rear of a substantial L shaped 3-storey block that has commercial units and shops on the ground floor and flats above. This existing block has a significant built frontage to Westmoreland Road and along part of Pickhurst Lane with a mostly open area and service road to the rear. This established pattern of development continues the opposite side of the site to the 3-storey block, with mainly 2-storey dwellings on Woodlea Drive and Pickhurst Lane that generally stand within generous plots and include good-sized back gardens. This configuration, where a substantial built form faces the road with largely open space behind that is partly enclosed is a characteristic feature of the local area. It is locally distinctive.
7. By introducing a substantial new built form into the largely open area at the rear of the existing block, the proposal would unduly erode this character. It would also partly infill the gap that separates existing buildings that contrast in scale, height and use and, in so doing, disrupt the established pattern of development. Even though layout is a reserved matter, the scale of development proposed would inevitably require some of the new dwellings to be sited uncomfortably close to the taller and more substantial block and its rear service road. When seen from the service road or Woodlea Drive, this arrangement would appear cramped.
8. The indicative layout of the new terraces is intended to mimic the position of the garages that previously occupied the site. As I saw, rows of garages behind larger buildings are evident elsewhere in the local area. The former garages would have established a significant built form on the site and be likely to have a larger footprint than that of the proposal. However, unlike the appeal scheme, the former garages would have been modest in scale, and clearly ancillary in use and subordinate to nearby properties. In contrast, a self-contained residential scheme of the scale and appearance proposed, nestled into a confined gap away from the main road, would not be subservient, incidental nor reflective of the predominant urban form. As a result, it would draw the eye as an incongruous and unsympathetic transition between a taller and more substantial 3-storey mixed use block that is unusually close on one side and the spacious gardens of 2-storey houses on the other.
9. The layout and landscaping of the proposal could, to some extent, address some of these concerns. These matters are for subsequent approval. Additional planting could visually soften the appearance of the development and visually connect the scheme more closely with the adjoining gardens of nearby properties. However, these matters would not overcome the significant harm that I have identified.
10. My attention has been drawn to several developments that have been approved, with some background details and photographs provided. The appellant considers that these examples represent types of infill or back land development that do not necessarily reflect the existing development pattern and yet have been allowed. In my experience, it is rare that direct parallels can be drawn between one site or development and another because local circumstances often differ. From the limited information provided, there are significant differences in terms of location, scale of development, site characteristics and the relationship between buildings and spaces between the various sites quoted and the proposal such that preclude

any meaningful comparison between them. In any event, each development should be assessed on its own merits, which I have done.

11. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. Accordingly, it is contrary to Policies 3, 4, 8 and 37 of the Bromley Local Plan (BLP) and Policies D3, D6 and H2 of the London Plan (LP). Together, these policies aim to ensure that development achieves a high standard of design and has no unacceptable impact on the character, appearance and context of an area.

Living conditions

12. Based on the illustrative layout, overlooking problems would arise between some of the new houses that directly face each other given the intervisibility between some of their first-floor front windows. As the upper windows of some new dwellings may also be evident from the gardens of the nearest properties on Woodlea Drive and Pickhurst Lane, existing residents may also feel overlooked. I also share the Council's concern that the recessed entrances and use of the central access street, which is to be shared between vehicles and pedestrians, could be a security and a safety hazard. Nevertheless, these are detailed design considerations, and it should be possible to refine the appeal scheme to resolve these concerns at a later stage if the principle of development and its scale and appearance is acceptable.
13. On that basis, I conclude on the second main issue that the proposal would provide satisfactory living conditions for future occupiers. As such, it is not contrary to BLP Policies 4 and 37, LP Policies D3, D6 and H2 or the National Planning Policy Framework (the Framework), insofar as they aim to safeguard residential amenity.

Other matters

14. The Council cannot demonstrate a 5-year land supply of deliverable housing sites. As such, paragraph 11d) of the Framework should be applied, which states 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 regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places.
15. The site is available for development, and it could come forward quickly. It would add to the amount and choice of new housing and do so on a small previously developed windfall site, which is encouraged in policy terms. The density of development would fall within the appropriate range that is recommended in the LP and compare favourably with the nearby Westmoreland Road flats. The proposal would make efficient use of the land available and provide economic benefits during construction, through spending of future occupiers and on payment of the community infrastructure levy. High quality durable and sustainable materials would be used, and extra landscaping may provide an opportunity for biodiversity gains. No objection is raised by the Council in relation to vehicle parking, highway safety or in relation to the living conditions of existing residents.
16. However, the Framework promotes high quality, well-designed development that is sympathetic to local character and adds to the overall quality of the area. For the reasons given, the proposal would not achieve these outcomes. It would also fail to secure a well-designed place to live and visit nor would it make effective use of

land. These adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole.

17. Some interested parties support the redevelopment of derelict land for housing and see an opportunity to resolve some of the problems experienced by existing residents associated with the rear of the existing block such as fly tipping, litter and vermin. However, there is nothing before me to indicate that the only way to resolve these issues is to develop the site in the manner proposed.

Conclusion

18. Overall, the proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR