
Appeal Decision

Site visit made on 15 August 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025.

Appeal Ref: APP/G5180/W/25/3362255

54 Station Road, Orpington, London BR6 0SA

- 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 Sharma (Unique Infra Ltd) against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/03168/FULL1.
 - The development proposed is erection of four storey building comprising commercial / office space at ground floor level and 4 two-bedroom and 4 one-bedroom apartments at first, second and third floor levels with associated secure bin and cycle storage for commercial and residential use and landscaped amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised drawings, stating that the amendments clearly enhance the previously submitted scheme rather than fundamentally changing it, and that the revisions directly address the Council's reasons for refusal, specifically by reducing the roof height, simplifying the roof form, and removing balconies to protect neighbour privacy.
3. The appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
4. With reference to the criteria established in *Holborn Studios*¹ (which refined the "Wheatcroft principle") I consider there to be a substantial difference between the appeal application and the revised drawings, particularly in terms of the change in height, roof form and materials. I also consider that there would be potential procedural unfairness if I accepted them; there is no evidence before me to demonstrate that interested parties and consultees who made comments about the original proposals have been consulted in relation to the revisions or that, in providing me with comments, interested parties have made reference to the revised drawings.
5. Therefore, I have not accepted the revised drawings and must determine the appeal on the basis of the original plans that were considered by the Council.

¹ *R (Holborn Studios Ltd) v London Borough of Hackney and GHL (Eagle Wharf Road) Ltd*; [2017] EWHC 2823 (Admin)

Main Issues

6. The main issues are:

- the effect of the appeal scheme on the character and appearance of the area; and
- the effect of the appeal scheme on the living conditions of the occupiers of 46 Station Road with specific regard to outlook and privacy.

Reasons

Character and Appearance

7. The appeal site occupies a prominent position at the junction of Station Road and Station Approach. In views looking south-east from close to the railway bridges over Station Road the site is highly perceptible and when looking north-west from close to the junction of Station Road with Tubbenden Lane, the sloping ground levels give the site an elevated appearance.
8. The Council has previously granted planning permission for a three-storey mixed-use scheme on the appeal site under reference 20/00946/FULL1 (the previously-approved scheme) and this has been partly constructed. The previously-approved scheme included pitched roofs and roof dormers with accommodation within the roof space. In its Statement of Case the Council sets out its opinion that this arrangement meant that the previously-approved scheme would not appear overly-dominant and that it struck an appropriate balance between nearby one- and two-storey buildings and the desire to optimise development opportunities.
9. In this case, however, the additional height and massing of the appeal scheme – together with the shallow pitch of the roof which appears to be out of proportion with the rest of the building – is clearly at odds with its surroundings, resulting in harm to the character and appearance of the area which is particularly noticeable because of the site's prominent location. The appellant has argued that the corner position of the appeal site justifies a taller building, citing the Council's Urban Design Guide Supplementary Planning Document (2023) and Policy D3 of the London Plan (2021) (LP), and that the site's capacity should be optimised on the basis of the site's excellent public transport accessibility. However, building heights should be appropriate to their context and respond positively to local character, and I consider that the bulk and massing of the appeal scheme only serves to draw attention to the stark and jarring contrast between it and its lower-rise context.
10. Therefore, the appeal scheme would, by reason of its size, height and bulk, be harmful to the character and appearance of the area and, as such, would conflict with Bromley Local Plan (2019) (BLP) Policies 4 and 37 and LP Policy D3 which together seek a high standard of design and layout and to optimise site capacity through a design-led approach.

Living Conditions

11. The appeal scheme involves an additional (third) floor which, according to the Council, would result in a development that would be 2.3m higher than the previously-approved scheme. There would be a terrace / balcony at third floor level

which, although there would be a privacy screen, would provide views in a north-easterly direction towards the rear garden of 46 Station Road.

12. When I visited the site I saw a very large tree within the site which, according to the submitted information, is the subject of a tree preservation order and is to be retained. The crown of this would be directly in front of the third-floor terrace / balcony and would provide some degree of screening, including when it is not in leaf. Furthermore, I note that the previously-approved and part-implemented scheme also included terraces / balconies at first and second floor level which would provide similar views towards the garden of number 46 and in respect of which the Council's officer report for 20/00946/FULL1 concluded that there would not be a significant detrimental impact in terms of privacy. Given this context, I do not consider that an additional terrace / balcony would result in a harmful impact on the privacy of 46 Station Road.
13. Similarly, whilst there would be an increase in height when compared with the previously-approved scheme, taking account of the shared amenity space that is proposed to the east of the appeal scheme which separates the block of flats from 46 Station Road along with the large retained tree, I do not consider that the outlook of occupiers of 46 Station Road would be significantly affected by the appeal scheme, even taking account of the difference in ground levels between the appeal site and number 46. Therefore, I do not consider that the appeal scheme is contrary to BLP Policy 37 which seeks to protect the living conditions of occupiers of neighbouring buildings.

Other Matters

Housing Land Supply

14. The Council does not have a five-year supply of housing land and the appellant has said that while the proposal seeks approval for only two additional homes, small-scale gains of this nature hold cumulative significance in addressing the borough's acute housing shortfall. In this regard, the appellant suggested that the Council should submit an updated assessment of housing delivery for the appeal on the basis that the current deficit underscores the materiality of incremental gains. Whilst the Council has not provided an update, it has said in its Statement of Case that there is a very significant level of undersupply in the borough.
15. The appellant has also referred to another inspector's decision which, they say, aligns with the Planning Inspectorate's approach in recent appeals. They have not provided me with a copy of the decision that they have referred to and therefore I am not able to take it into account. In any event, each appeal decision is based on the particular circumstances of the case and each individual inspector's own judgement.

Precedents

16. The appellant has referred to a number of other schemes in the local area which have been approved by the Council or allowed on appeal. Notwithstanding that I have not been provided with details of each of those schemes to enable me to understand the considerations that were taken into account, each proposal must be considered on its own merits, including by having regard to the particular circumstances of the site.

Fallback

17. The appellant has said that the dismissal of this appeal would result in the implementation of an approved scheme that is visually poorer and more harmful to the character of the area. Given that the approved scheme has already been assessed as being acceptable, I attach no weight to this argument.

Conclusion

18. I attach significant weight to the delivery of two additional residential units, not least given the very significant level of undersupply in the borough. However, and even considering the extent of that undersupply, I consider that the harm to the character and appearance of the area significantly and demonstrably outweighs the benefits of the appeal scheme and, for the reasons given above, the appeal should be dismissed.

P Burley

INSPECTOR