



Appeal Decision

Site visit made on 11 June 2025

by S Burch BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2025

Appeal Ref: APP/G5180/W/25/3359990

132 Barnfield Wood Road, Beckenham, Bromley BR3 6SX

- 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 Victor Isibor against the decision of the Council of the London Borough of Bromley.
- The application Ref is 24/03518/FULL1.
- The development proposed is described as 'demolition of existing dwelling and construction of a new house.'

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Victor Isibor against the Council. This application is the subject of a separate decision.

Preliminary Matter

3. At appeal stage, further information relating to Biodiversity Net Gain (BNG) and protected species was provided by the appellant. Although not forming part of the Council's reason for refusal, it is incumbent upon me as the competent authority to consider whether the proposed development would secure BNG or harm protected species (bats) and their habitats. It is therefore necessary to consider these as main issues. Both main parties have had the opportunity to comment on this information. I have considered this information and any comments in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area with special regard to the Park Langley Area of Special Residential Character (PLASRC);
 - whether the proposed development would secure BNG; and
 - the effect of the proposed development on protected species (bats) and their habitat.

Reasons

Character and appearance

5. The appeal site relates to a two-storey detached dwelling in Beckenham. The dwelling is of brick and tile construction with traditional detailing including wood joinery and mock-Tudor wood detail. The dwelling is set back from the road with an 'in and out' driveway and a garden to the front and rear.
6. Surrounding development comprises mainly two storey detached dwellings which are set back from the road behind gardens and driveways. The properties along Barnfield Wood Road vary in terms of their design, scale, layout and architectural details. The site is located within the PLARSC. The PLARSC has the appearance of a garden estate that represents a coherent and easily identifiable area. In the case of the appeal site, the attractive, traditional style of the property, alongside its layout which ensures a sense of spaciousness, contributes positively to the character and identity of the area.
7. The proposal seeks to demolish the existing dwelling and erect a two-storey dwelling, with accommodation in the roof. An existing garage which sits close to the side boundary would also be demolished. The dwelling would ensure sufficient gaps between the property and the side boundaries, maintaining balance and ensuring the spacious, open character of the area is maintained. I also note that this resubmission has increased the set back from the boundaries, in comparison to a previously refused scheme (24/01635/FULL1).
8. The front and rear building lines would be relatively in line with the surrounding pattern of development. The overall depth of the dwelling would be reduced from the previous scheme and the single storey rear extension would be broken up, reducing the overall massing of the dwelling. The front central element would also be set back from the front gables, further breaking up the massing of the property. The height of the roof would be similar in height to the apex of the existing roof. The proposed eaves would not project significantly beyond that of neighbouring properties.
9. Spacious gardens to the rear would remain and the property would benefit from a large sweeping driveway and front lawn. Whilst I do acknowledge that the appeal site has a shorter rear garden than most other surrounding sites, ample garden space would remain, and the overall size would be largely the same as the existing situation. Overall, the layout would be reflective of surrounding development and would ensure the spacious, verdant character of the area and the PLARSC is maintained.
10. The dwelling would have traditional vernacular, with symmetrical front gables and external brickwork. Stone dressings would be used for the sills. The proposed fenestration, particularly to the frontage, would include traditional elements such as classic sash windows to the gable ends within bay windows. A modern glazed central window is proposed to the front elevation; however similar examples of such modern elements are evident along Barnfield Wood Road. The roof would be hipped, and a crown design would be used. This design is not dissimilar to others in the area. Overall, the property would reflect high quality, attractive design which would reflect and enhance the appearance of the area. Given this, I do not agree that it would fundamentally alter the entrance to the estate in a negative way.
11. Whilst I appreciate that residents value the existing property, Policy 44, relating to Areas of Special Residential Character (ARSC), does not seek to prevent change or demolition. Instead, it seeks to ensure that development respects, enhances

and where appropriate strengthens the characteristics which contribute most to these areas. Similarly, the potential presence of the property of 1946 mapping does not preclude its replacement.

12. Concerns have been raised regarding the loss of green space. Whilst a small area of lawn to the front of the property would be replaced with hardstanding, this is minimal. The lawn area adjacent to the front boundary would be retained. Overall, this would not result in material harm in this regard and would be in keeping with surrounding development.
13. For the reasons outlined above, the proposed development would represent high quality design which respects and enhances the special and distinctive qualities of the PLARSC. The development would therefore accord with Policies 37 and 44 of the London Borough of Bromley Local Plan. Collectively, amongst other matters, these policies seek to ensure development contributes positively to the existing street scene and respects and enhances ARSCs. It would also accord with Policy D3 of The London Plan which seeks to ensure that development responds to the existing character of a place.

BNG

14. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for Biodiversity Net Gain (BNG), and it applies to all planning applications for non-major development submitted on or after 2 April 2024. Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met. The proposal was originally advanced on the basis that, as a self-build dwelling, it would be exempt from the BGC.
15. However, the appeal has not been accompanied by a planning obligation which would secure the dwelling for this purpose. As such, the exemption would not be secured with any degree of certainty. A condition to secure the dwelling as self-build would fail to satisfy the tests in the National Planning Policy Framework (the Framework). The scheme would therefore be liable to provide BNG.
16. Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) (DMP) sets out the minimum information that should accompany applications that are subject to the BNG requirement. The submitted information indicates that the development would not achieve 10% BNG on site. It outlines how there is limited scope within the site for the provision of such an enhancement, and it is likely that the remaining deficit would be compensated for by off-site units.
17. There is however limited information regarding the off-site units before me. I can therefore not be sure that they can be relied upon in terms of being on a registered site, secured in an appropriate manner and capable of delivering the necessary biodiversity gains in a reasonable timescale. Again, I am not satisfied that a condition to ensure this would satisfy the tests set out in the Framework.
18. Overall, based in the evidence before me, the proposal fails to demonstrate adequate BNG provision. It would conflict with the statutory BNG requirements and paragraph 187(d) of the Framework.

Protected species

19. A Preliminary Ecological Appraisal and Roost Assessment was also provided at appeal stage. This report outlines how evidence of bats was found within the main dwelling and the demolition of the property could result in the destruction of any bat roosts present and cause disturbance, death or injury to bats.
20. The report recommends that three bat emergency/re-entry surveys are undertaken at the main dwelling during the active bat season (May-September) to confirm the presence/likely-absence of bats roosting in or on the building. No further bat surveys have been provided.
21. The appellant has outlined that given no roost was found and it is monitoring only, a condition to ensure additional monitoring surveys are carried out prior to first commencement of development could be used. The initial survey however found evidence of bats. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development is established before planning permission is granted. This is irrespective of the fact that the active bat season may have passed. This could not be dealt with by way of a planning condition.
22. Therefore, the absence of sufficient information means I cannot rule out harm to bats, which are a protected species. This would be contrary to the provisions of the Framework which sets out that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Other Matters

23. I note that the Council's committee report raised some concerns in respect of the impact on the flank windows of 134 Barnfield Wood Road with regards to sunlight and daylight. However, the Council did not find sufficient harm to justify inclusion within a reason for refusal. As can be seen from my findings above, this matter would not be determinative. I have therefore not considered it further.
24. The appeal property is not listed and is not situated within a Conservation Area. This is however considered a neutral factor and would not weigh in favour of, nor against, the appeal. The scheme provides the required parking and does not result in the net loss of a dwelling. It also includes a full flood risk assessment and may incorporate sustainable urban drainage. These are however considered to be neutral factors and would not weigh in favour of, nor against, the appeal.
25. The scheme would ensure some economic benefits throughout its construction and may also promote sustainability. These considerations would however not outweigh the harm identified.
26. The appellant has set out that the dwelling would benefit from permitted development rights which constitute a fallback position. Whilst this may be the case, the scheme seeks to demolish a dwelling in which there is evidence of bats. It would also be liable to provide BNG. I have afforded this consideration limited weight in favour of the development.

Conclusion

27. Notwithstanding my findings relating to the effect of the development on the character and appearance of the area, the failure of the scheme to provide BNG and its impact on protected species means that it would not accord with statutory BNG requirements and the Framework as a whole. For the reasons given above, the appeal is therefore dismissed.

S Burch

INSPECTOR