



Appeal Decision

Site visit made on 16 September 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: 6000288

44 Beckenham Lane, Bromley, BR2 0DQ

- 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 Michael Gibson against the decision of the Council of the London Borough of Bromley.
- The application Ref is DC/24/04490.
- The development proposed is described as the 'erection of 1x1b2p dwellinghouse.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is dispute between the main parties regarding the existing use of part of the site. However, within the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (the Act) it is not within my remit to formally determine the lawful use of land or buildings. I have considered any evidence relating to the existing use of part of the site as far as is relevant to this appeal.
3. The appeal site is within the Shortlands Village Conservation Area (SVCA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the SVCA; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers at 44 Beckhenham Lane (No.44), with regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises a two-storey semi-detached building and its associated land to the side and rear. The building is sub-divided into two flats and the land to the side of the building is currently used as a driveway/parking area. The area at the rear is fenced off and appears to be used for informal storage.

6. The site lies within the SVCA which covers the small historical local neighbourhood to the east of Shortlands Station. It is centred on Beckenham Lane and includes surrounding streets such as Recreation Road and Ravensbourne Avenue. The Shortlands Village Historic Area Assessment (2020) refers to the modest artisan terraces and semi-detached housing off Beckenham Lane dating from the 1870s and 1880s. It states the road is mostly two storeys built of London stock brick which creates unity along the road despite the varied types of buildings, most of which are set back from the pavement and on small narrow plots.
7. The existing dwelling at the appeal site forms part of a row of barn hipped roof Victorian houses that are distinctive and positively contribute to the character and significance of the CA. The gap between No.44 and 42 Beckenham Lane (No.42) provides a visual and transitional break between the row of semi-detached properties and the terraced parade of shops to the east. It allows views of the arched side walls at No.42, which are an interesting and notable feature along the street, and contributes to the sense of spaciousness between the buildings. The significance of the SVCA is derived from its historical urban form and Victorian artisan houses.
8. Opposite the appeal site lies the locally listed Valley Primary School. The school is Arts and Crafts style with red brick and tile hung with a tile roof. It was designed by a renowned local architect and their partner and is considered a non-designated heritage asset (NDHA). The NDHA and SVCA are intrinsically linked, with the primary school contributing to the significance of the SVCA, and the SVCA contributing to the setting of the NDHA.
9. Whilst a number of dwellings within the area contain outbuildings within rear gardens, there is a clear distinction in hierarchy between the more formal, prominent front elevations of the dwellings and the secondary role of outbuildings, which are generally smaller in size and located to the rear of the dwellings.
10. The proposed detached dwelling would be situated towards the rear of the plot, set partially behind the front elevation of No.44. It would be sited against both side boundaries, with a small front and rear garden area. No off-site parking would be provided. A new garden area would also be created to the rear of No.44, for use by existing occupiers.
11. The back land position of the dwelling would contrast with the surrounding pattern of development along this side of Beckenham Lane and Shortlands Gardens, in that it would be well set back from the highway, partially behind an existing dwelling. It would also have a rear garden of limited depth, in contrast to surrounding residential development, which is predominately characterised by long, narrow rear gardens. These factors, coupled with its proximity to No.44, and the side boundaries would disrupt the rhythm of the street scene and result in a cramped and incongruous form of development. I do not agree that the proposed separation distances are comparable to the surrounding terraced properties. The nature of terraced properties mean they occupy the entire width of their plot, whereas the proposal seeks permission for a detached dwelling.
12. The set back and reduced height would reduce the prominence of the proposed dwelling and allow views of the archways at No.42, in comparison to a previous scheme on the site which was dismissed at appeal (Ref: APP/G5180/W/23/3321276). However, it would still be readily perceptible from

within the street scene, when travelling along Beckenham Lane. It would also reduce the sense of spaciousness and visual gap between the row of semi-detached properties and the terraced parade of shops to the east which the site currently provides. This would detract from the distinctiveness of the row of semi-detached properties and also the parade of shops, which contribute positively to the SVCA.

13. The sloping roof on the front and rear with a crown top would bear little resemblance to surrounding roof forms. This would further exacerbate the incongruity of the scheme.
14. The appellant discusses how historical mapping demonstrates that a building formerly occupied a similar position to the proposed dwelling. They therefore suggest that re-establishing built form in this location would enhance its historic significance. However, the building on historic mapping appears to be associated with the main dwelling (No.44). It is not situated on its own plot and in the 1910 mapping, the building appears to be attached to the main property at No.44.
15. Furthermore, the evidence largely suggests that the building was an outbuilding, associated with a motor works company. Based on the evidence before me, I am therefore not satisfied that the outbuilding shown on historical mapping is directly comparable to an independent dwelling sat within its own plot, as proposed.
16. I do not consider the properties at 58a and 60b Beckenham Lane to be directly comparable to the proposed dwelling, as these properties are located at the end of their respective terraces, and front directly onto the road. They are therefore viewed within a different context to the proposed dwelling.
17. For the above reasons, I find that the proposal would harm the appearance of the SVCA, and therefore fail to preserve the significance of the SVCA, including the setting of the locally listed Valley Primary School. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
18. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 216 of the Framework also states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
19. Given the scale and nature of the proposal, the degree of harm to the significance of the designated heritage asset would be less than substantial. On a scale, it would be at the lower to midpoint of less than substantial harm. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
20. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The appellant outlines how the Council currently has a supply of 2.96 years, whilst the Council outlines at appeal stage states that it can demonstrate a 2.4 year supply. For the purposes of this appeal, I have considered it to be a worst-case scenario of 2.4 years.

21. The proposal would provide a dwelling possibly suitable for first time buyers on a small site at low risk of flooding. The site benefits from good access to services and facilities including public transport and the scheme would therefore promote sustainable travel. There is dispute between the main parties as to whether the site is a brownfield site. As mentioned, it is not within my remit to formally determine the lawful use of land. Nonetheless, for the purposes of considering the public benefits of the scheme, I have treated the scheme as making effective use of brownfield land.
22. The scheme would therefore contribute to the Government's objective to significantly boost the supply of homes, whilst utilising brownfield land. However, even taking account of the current housing land supply position, the benefits of housing delivery, to which I attach significant weight, are tempered by the fact that the provision of one unit would only make a small difference to housing supply.
23. The appellant has drawn my attention to various other benefits. The scheme would provide outdoor amenity space for the existing occupiers at No.44. The property may exceed the requirements set by the National Technical Housing Standards and also exceed the LP requirements regarding the provision of outdoor amenity space. They also state that the scheme would comply with the London Mayors Best Practice Standards and would 'tidy up' the existing site.
24. Paragraph 202 of the Framework states that heritage assets are an irreplaceable resource. The public benefits of the proposal carry moderate weight in combination. However, the weight I give them is diminished by the fact the proposed dwelling would fail to preserve the significance of the SVCA. On the basis that paragraph 212 of the Framework establishes that great weight should be given to the conservation of a heritage asset, I am not satisfied that the benefits would be sufficient to outweigh the degree of harm identified.
25. In summary, the proposal would harm the character and appearance of the area, fail to preserve the SVCA's appearance and erode the immediate setting of the locally listed Valley Primary School. It would fail to accord with Policies 3, 4, 37 and 41 of the London Borough of Bromley Local Plan (2019) (BLP) and Policies D3, HC1 and H2 of the London Plan (2021) (LP). Collectively, amongst other things, these policies seek to ensure proposals are well designed, preserve the significance of conservation areas and respect the setting of locally listed buildings.
26. The Council outlines the schemes noncompliance with Policy 8 of the BLP, which requires proposals of two or more storeys in height to normally have a minimum one metre space from the side boundary of the site. The appellant questions if this is relevant given the first-floor accommodation would be in the roof. I agree with the appellant and therefore find no conflict with Policy 8 in this regard.
27. I also find no conflict with Policy D4 of the LP in this regard. This policy sets out the processes and actions, such as visual modelling assessments, to ensure development delivers good design.

Living conditions

28. The proposed dwelling would be positioned close to the two ground floor side elevation windows on the rear return of No.44. However, the evidence before me outlines how these windows serve a bathroom and a hallway. These are non-

habitable rooms. Given this, I do not consider that any loss of outlook from these windows would result in material harm to the living conditions of neighbouring occupiers, as it's unlikely that they would spend any prolonged periods of time in these areas.

29. There is however a window on the ground floor rear elevation of the No. 44. The evidence outlines how the hallway provides access to the primary living areas and the primary outlook for both flats is towards the front and rear. This therefore indicates that this window serves a primary living space. The positioning of this window, combined with the proximity of the proposed dwelling to No.44, would create a tunnelling effect, restricting the outlook from the window, and creating an oppressive and enclosing effect, that would be harmful to the living conditions of the existing occupiers.
30. Although there are two first-floor windows on the rear elevation, these would sit higher than the ridge height of the proposed dwelling. I am therefore satisfied that outlook from these windows would be maintained.
31. The proposed dwelling would be readily apparent from the proposed rear garden area, to serve the existing flats at No.44, as the dwelling would be built up to the shared boundary. However, at present, the occupiers of the flats at No.44 do not benefit from any outdoor amenity space. In addition, it would only be partially enclosed by the proposed dwelling on one side. The harm to the outlook from this area would therefore be offset by the provision of the space, which would improve their living conditions, in my view.
32. To conclude, there would no harm to the outlook from the two side elevation ground floor windows or the first floor windows on the rear elevation. The scheme would also provide an acceptable standard of amenity space to the occupiers of the flats at No.44. However, the scheme would harm the outlook from the ground floor window on the rear elevation at the ground floor flat at No.44. This would be harmful to the occupier's living conditions. The scheme is therefore contrary to Policies 3, 4 and 37 of the BLP and Policies D3, D6 and H2 of the LP. Collectively, when read together, these policies seek to ensure high quality design that ensures the amenity of occupiers of neighbouring buildings.
33. I find no conflict with Policy 8 of the BLP in this regard.

Other Matters

34. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.
35. An absence of harm to highway safety, and other planning considerations are neutral factors and would not weigh in favour of, nor against, the appeal.
36. I acknowledge the Ministerial Statement issued in July 2024, which encourages brownfield development. Nonetheless, planning policy seeks to ensure that proposals are well designed, preserve the significance of conservation areas and ensure the amenity of neighbouring occupiers. This point does not justify the harm I have identified.

37. The evidence before me outlines how Bromley are not meeting their housing targets and therefore a presumption in favour of sustainable development applies. However, with reference to paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the appearance of the SVCA. Consequently, those policies provide a strong reason for refusing the development proposed.

Conclusion

38. In conclusion, the proposal would conflict with the development plan and there are no other material considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

S Burch

INSPECTOR