



Appeal Decision

Site visit made on 9 December 2025 by J Reed MPlan MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2026

Appeal Ref: 6000899

14 Highland Road, Bromley BR1 4AD

- 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 Yussuf against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/04242/FULL1.
 - The development proposed is the erection of a three-bedroom, self-build eco-home (dwelling house) with associated amenity space, hard and soft landscaping and car parking for one vehicle.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr Yussuf against the Council of the London Borough of Bromley. This application will be subject of a separate decision.

Preliminary Matters

4. The Council's decision notice consists of three reasons for refusal. These relate to, character and appearance, highway safety and loss of trees. However, as part of the appeal process the appellant has submitted information in order to address the highway safety matters. This has been reviewed by the Council who in their statement of case have confirmed that they are satisfied that these matters have been addressed. I have no reason to form a different view. As a result, I will therefore consider the appeal on the matter of character and appearance, having particular regard to the setting of the locally listed building and loss of trees.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the setting of the locally listed building (14 and 14a Highland Road) and trees.

Reasons for the Recommendation

Character and appearance

6. The appeal site comprises of an area of land to the rear of Nos.14 and 14a Highland Road. It comprises a heavily vegetated parcel of land containing a variety of trees protected by a woodland Tree Preservation Order (TPO), which extends across the site. The woodland TPO designation serves to protect the woodland as a collective resource rather than solely individual specimens. It therefore follows that, while some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. Verdant vegetation is a key characteristic of Highland Road and the surrounding area, and acts as a natural buffer between streets and properties which contributes positively to the character and appearance of the area.
7. From the information before me, and my observations on my site visit, the significance of 14 and 14a Highland Road as a locally listed building is derived from its period architectural features such as its prominent gables, mock Tudor cladding and traditional curved brick headers to its ground floor openings. This, combined with its siting in a generous plot creates a sense of traditional grandeur as a highly prominent and important building within the street scene. The backdrop of the appeal site, and this side of the street, is that of verdant tree coverage and landscaping to the rear of the buildings which contributes positively to the character and appearance of the area.
8. The Council has identified the site's verdant character as integral to the setting of the locally listed building and considers that development within it would result in harm to the asset's significance. The woodland forms part of a wider area where there is a distinctive continuity. The proposal includes the removal of a significant amount of vegetation present on site including trees and shrubs. This would impact the coverage of the verdant character on site in order to accommodate the proposed dwelling. Whilst the majority of the most significant trees would be retained, the cumulative loss of vegetation and tree cover would nevertheless result in material harm to the character and appearance of the area.
9. Although unmanaged, the woodland provides an important green backdrop to both Highland Road and Madeira Avenue. The introduction of a two-storey dwelling, access path, parking area, domestic activity and paraphernalia would urbanise and erode this natural character and the positive contribution which it makes.
10. As part of the appeal proposal, the removal of tree groups TG7 and TG27 are proposed, as well as a singular tree T18, in order to accommodate the proposed scheme. These consist of a mixture of Category C and U value trees of varying conditions. The appeal proposal would also encroach on the Root Protection Areas (RPAs) of T05, T05a, T06, T09, TG17, T24 and T26.
11. I note that the appellant has set out several measures in order to protect these trees during the construction phase, including the proposed screw-pile foundation choice. Notwithstanding the mitigation measures proposed, the development would continue to give rise to an unacceptable level of risk to retained trees owing to the density of tree coverage, the scale of the development, and the likely requirement for construction machinery during the works. The Arboricultural Implications Assessment & Tree Protection Plan suggests that in the first instance each pile location would be hand-dug to an appropriate depth to ensure roots are identified

and protected. The pile layout would be flexible, to allow re-location where significant roots are encountered.

12. However, given the density of the trees and the presence of several RPAs within the proposed position of the dwelling, even with the proposed screw-pile foundations, the extent of incursion into the RPAs by placing a dwelling with associated utilities could cause significant harm, particularly given the uncertainty of root positions. The structural requirements of the dwelling may not allow simple relocation of the piles, particularly if this would happen to be a frequent finding in exploratory works. I am therefore not satisfied, on the evidence before me, that unacceptable harm to retained trees could be avoided. This would significantly increase the risk to the protected trees on site. Given the woodland designation and its collective value, even limited harm or risk of harm carries significant weight.
13. As such, the likelihood of significant root damage cannot be ruled out based on the evidence before me. Moreover, the installation of the foundations would be likely to adversely affect the roots of these surrounding trees. The ability of the trees on site to tolerate damage to their respective rooting areas would vary on a case-by-case basis and there is no substantive evidence before me to assess how any such damage would be measured or dealt with. I am therefore not certain that the proposed development could take place without harming the rooting zones, which would be to the detriment of trees at the appeal site.
14. Furthermore, there is an absence of an encroachment percentage as set out in BS5837. Such percentages provide an important guideline on mandatory exclusion zones where potential harm may arise. As a result, without this information to accompany the appellant's case I am not convinced that the proposed development would not have an unacceptable impact on the RPAs of the trees in question.
15. The matter of pressure to remove or carry out additional works to the trees following the development has also been raised. Whilst such works would be subject to approval, I consider that by locating a dwelling within such a confined area with dense tree coverage, there would be a realistic increase in pressure to undertake these works, if not by the appellant, then by future occupiers. This may include for reasons owing to poor quality amenity space, excessive shading and leaf fall.
16. I note the appellant has provided a comprehensive landscaping plan as part of their submission which would provide various forms of new vegetation to the site. It is proposed that replacement tree planting would include 50 saplings planted predominately on the site boundaries. This could include a considerable number of oak trees. Given the size of the site and the density of the existing and retained trees, I find it questionable that the site could successfully accommodate an additional 50 trees as proposed. It is also suggested that offsite tree planting contributions are made, although there is no mechanism before me to secure this. Either way, neither of these would outweigh the loss of, and the likely harm to, trees and vegetation in the specific circumstances of this case.
17. Turning to the relationship of the appeal building and Nos.14 and 14a Highland Road, the appeal site is significantly lower than Nos.14 and 14a and the highway of Highland Road. As a result of this sloping topography, the scale and massing of Nos.14 and 14a and the dense vegetation present at the appeal site, the proposed dwelling would only be publicly visible from brief views when immediately in front of

the access gate. The appeal dwelling would therefore be read as a modest and inconspicuous addition to the street scene when viewed from the surrounding public vantage points.

18. Furthermore, I observed on my site visit that Highland Road and the surrounding area possessed no one dominant design style. There is a variety of different residential buildings present of various scales, massing and designs which is part of the areas distinctive character. As a result, whilst the proposal would take a more modern approach in contrast to Nos. 14 and 14a, I do not consider this in itself to be intrinsically harmful, being read as part of the surrounding area's varied built character and appearance.
19. From my observations on my site visit, the appeal site and Nos.14 and 14a possess a separate relationship through virtue of the generously proportioned timber fence separating the two sites. The proposal would alter this relationship due to the provision of an access via the curtilage of Nos 14 and 14a creating a more open relationship between the sites. Be that as it may, I do not consider that in itself to be harmful to the locally listed building. The proposed dwelling would possess a clear subservience to No.14 through virtue of its recessed position and subordinate height.
20. A balanced approach is required to assess the effect on the significance of the locally listed building, in accordance with the National Planning Policy Framework (the Framework). The Framework identifies that significance derives not only from the heritage asset's physical presence but also from its setting. Whilst I have not found that there would be harm to the significance of the locally listed building in terms of the design or scale of the proposed dwelling in isolation, its siting, which would necessitate the removal of a number of protected trees that positively contribute to its setting, would accordingly harm the significance of the heritage asset.
21. Due to its siting, the proposed development would constitute a form of backland development. Policy 3 of the Bromley Local Plan sets out the Council's approach to such forms of development. It sets out that new residential development will only be considered acceptable on backland if all of four criteria are met. One such criteria is that there is no unacceptable loss of landscaping or natural habitats.
22. In conclusion, whilst the appeal building would be read as a subservient appropriately designed addition to the street scene, it would result in the unacceptable loss of a section of the protected woodland situated to the rear of the site as well as resulting in unacceptable risk to other protected trees remaining on site. This would significantly harm the verdant character and appearance which contributes positively to the area and the setting of the locally listed building.
23. As a result, the proposed development would be contrary to Policies 3, 4, 37 and 73 of the Bromley Local Plan (2019) and Policy HC1 of the London Plan (2021). These policies seek, amongst other things, that development proposals respect local character and landscape features; that proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings; and take particular account of existing trees which, in the interests of visual amenity, are desirable to retain. It would also be contrary to the requirement of the Framework that existing trees should be retained wherever possible.

Other Matters

24. The proposed development is for a self-build property. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding.
25. The Housing and Planning Act 2016 places a duty to grant planning permission (subject to exemptions). This provides that authorities must give development permission (for the carrying out of self-build and custom housebuilding) in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
26. The appellant has submitted a comprehensive statement on the provision of self-build housing in the borough and the significance of the matter to the appeal. The appellant is on the Council's self-build register and sets out that there is a borough-wide deficit of 68 plots, increasing to 90 plots by 30 October 2025. The appellant continues that if only permissions with a mechanism to secure as self-build and custom housebuilding were counted towards supply then this would result in a shortfall of 134 plots.
27. The Planning Practice Guidance (PPG) advises that local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources. The language in the PPG, however, suggests that this is most pertinent in relation to plan-making as opposed to decision making, and that it is for the local planning authority to make use of such sources. Nevertheless, the appellant has suggested that demand may be significantly greater when taking into account secondary data sources, and such data sources have been considered in planning appeals. I accept that demand may be greater than that solely set out in the Council's register, as demonstrated in the secondary data. However, for the purposes of decision making, I consider that the local planning authority's register of those, such as the appellant, who are actively pursuing a plot, is the most reliable source.
28. The Council has referred me to an appeal decision within the borough (August 2024) where, following an inquiry, the Inspector concluded that, on the basis of the register, there was a requirement for 115 self-build plots to be delivered by 31 October 2024, against which 114 permissions had been granted. The Inspector considered that demand for self-build plots is therefore largely being met in the borough.
29. The more up-to-date figures provided by the Council for permissions up to 11 June 2025 gives a demand to be met of 137 plots and the number of permissions from the following three years (excluding permissions already counted toward meeting demand) at 121. These figures would suggest a shortfall of 16 units. The appellant disputes these figures and outlines that the shortfall is greater, as is the demand.
30. The appellant highlights that the Local Plan contains no dedicated self-build policy, despite being adopted after the Self-build and Custom Housebuilding Act 2015. A completed Unilateral Undertaking has been submitted that would ensure the property would comply with the definition of a self-build house. I am satisfied that the obligation meets the requirements of Regulation 122 of the Community Infrastructure Regulations 2010. The obligation therefore provides the necessary

assurance that the provision of a self-build house can be given full weight in the appeal.

31. The Framework sets out that in order to promote the development of a good mix of sites, local planning authorities should seek opportunities, through decisions, to support small sites for self-build housing. This is in addition to the Government's aim to support sustainable housing growth. Policies GG4 and H2 of the London Plan also support the provision of self-build dwellings.
32. Whilst there is some dispute over the scale of the demand and shortfall, the evidence shows that insufficient permissions have been given to meet demand in accordance with the statutory duty. This is therefore a material consideration in favour of granting planning permission. Under the 2015 Act (as amended), the Council must have regard to the register when carrying out its planning functions.
33. The scheme would also utilise elements of sustainability and biodiversity including the provision of a landscaping plan for the wider site, construction materials sourced primarily from wood and plant-based productions and methods, grey water systems, passive solar gain, triple glazing, high insulation for walls and doors, electric vehicle and cycle charging and an air source heat pump serving an electric only system. These are benefits that weigh in favour of the proposal also.
34. The appellant also states that the scheme would improve security at the site and prevent fly tipping. These are also benefits to the appeal scheme that weigh in favour. I am not, however, convinced that the appeal scheme is the only means of securing the site and there is limited evidence to demonstrate that this matter should have anything more than limited weight in favour of the appeal.
35. The proposal would deliver housing and would result in an, albeit very minor, increase in the Council's overall housing number. It would be a self-built property and would also bring a small number of additional residents to the area who would contribute to the local economy. Along with those identified above, these are benefits that weigh in favour of the appeal.
36. I have nevertheless found that the proposal would conflict with policies requiring development to respect the character and appearance of the area, protect the significance of locally listed buildings, and protect trees that are of amenity value. These policies accord with the objectives of the Framework, which emphasises the creation of well-designed places, the conservation of heritage assets, and the retention of existing trees where possible. I attach substantial weight to this harm, having regard to the proposal's conflict with the relevant development plan policies, both individually and when the plan is considered as a whole, and to the importance the Framework places on tree retention and the conservation of heritage assets.
37. The evidence outlines that the Council are unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11 d) ii of the Framework requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, developments should be granted planning permission 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 key policies for, amongst others, securing well-designed places.

38. This applies to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As the Council are unable to demonstrate a five-year supply of deliverable housing sites, it therefore follows that paragraph 11 d) of the Framework is engaged. In terms of the proposed development, the starting point is therefore that permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
39. In this case the adverse impacts of the proposal in terms of the harm to the character and appearance of the area in terms of the irreversible loss of protected trees, the risk posed to them, and the harm to the significance of a heritage asset would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This includes having particular regard to one of the key policies as outlined in paragraph 135 of the Framework in terms of ensuring that developments are sympathetic to local character including landscape setting. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.
40. The appellant, as part of their submission, has referenced various planning approvals and appeal decisions in support of their case, citing that they share various similarities to the appeal scheme. Whilst I have considered the appeal on its own individual planning merits, I have considered the examples put forward.
41. Reference has been made to the dwelling at 10 Madeira Avenue which is directly adjacent to the appeal site, set amongst trees. The appellant has provided various documents relating to planning consents as well as reference to an appeal decision at the site. These consents and the appeal decision relate to various extensions to the dwelling as well as a detached annexe. These examples relate to matters of living conditions as well as the appearance of the dwelling which as outlined above, I consider to be acceptable for the appeal scheme. In addition, detailed information for the approval of the dwelling in the first instance is not before me. I therefore cannot be certain that both the policy circumstances at the time of its approval, as well as the dwelling's relationship with protected trees at the site and their condition, are the same as the appeal proposal before me.
42. The approval at 10 Highland Road is for a dwelling in a tree constrained site similar to the appeal scheme. However, I do not have the relevant arboricultural information before me to judge that the circumstances of the development are similar to that of the appeal scheme.
43. Turning to the appeal decision at 9 Hadlow House where paragraph 11 d) was engaged. The Inspector found that the adverse impacts arising from the development, in terms of harm to character and appearance significantly and demonstrably outweighed the benefits. I have found the same in this case.
44. The appeal at land adjacent to 2 Moorbank Drive appears to involve the removal of protected trees in order to facilitate the development. The Inspector in that case considered the removal of those trees to be harmful to the character and appearance of the area. However, in engaging paragraph 11 d) of the Framework the Inspector concluded that the benefits of the proposal outweighed the identified harm. In the case of this appeal, I have formed my own view on the specific circumstances of the case, that the benefits do not outweigh the harm I have identified.

45. The appellant has also referenced an appeal at land at Blue Mans Way where the removal of trees was required to facilitate the erection of 64 dwellings. In that case the Inspector was satisfied with the conclusions of the arboricultural survey. The survey found that the trees present on site aside from 6 examples were of low amenity value and therefore the removal of trees on site was acceptable subject to the implementation of a Parameters Plan. In contrast, in the appeal scheme before me, I have found that the loss of trees and the potential harm to retained trees would not be acceptable. I am also mindful of the clear difference in the quantum of development.
46. For the appeal at 32 Church Avenue this appears to be a character and appearance issue regarding the design of the proposed dwelling. As cited in my assessment above I consider the appeal scheme to be appropriately designed, however due to the partial removal of the protected woodland there would be harm to the character and appearance of the area and the setting of the locally listed building. I therefore do not consider there to be sufficient similarities with this case and the appeal before me.
47. In terms of the appeal referenced at 'The Pagoda' this related to the erection of a dwelling within the setting of a Grade II* listed building as well as a Conservation Area. The Inspector identified that the proposal would result in a small loss of trees and shrubs however the greater value specimens on site would be retained and any loss could be mitigated by new planting. The scheme before me however has failed to provide sufficient information to demonstrate that TPO trees on site would be sufficiently safeguarded and I therefore do not consider the circumstances of that appeal to be sufficiently similar to the case before me.
48. With the above taken into account I have ultimately assessed the proposal on its own individual planning merits and the appeal site's site-specific circumstances.
49. I acknowledge the letters of support that have been received and have considered the issues raised. They do not, however, alter my findings on the main issues considered above.

Planning Balance and Conclusion

50. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
51. The outcome of the Framework paragraph 11 d) process above indicates that the decision should be taken in accordance with the development plan.
52. The proposed development would be a self-build property incorporating a number of sustainable construction techniques, biodiversity and landscape features, and would result in a small increase in the Council's overall housing number. It would be in a sustainable location, would bring a number of additional residents to the area who would contribute to the local economy, and avoid anti-social behaviour such as littering and fly-tipping. These factors weigh in favour of the appeal.
53. The proposed development would, however, deliver only one additional dwelling against the identified demand and shortfall. This would make a small contribution in addressing the shortfall in self-build provision and meeting the identified demand. Whilst I recognise the importance of self-build dwellings, given that only one

dwelling is proposed, I attach moderate weight to the contribution of the proposal to meeting the identified demand in light of the shortfall in the provision of self-build plots within the borough.

54. However, the adverse impacts of the proposed development due to the harm to the character and appearance of the area in terms of the loss of protected trees, the risk posed to other protected trees, and harm to the significance of a heritage asset, collectively is of such considerable and substantial weight that it significantly and demonstrably outweighs the collective benefits associated with the scheme.
55. The proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, worthy of sufficient weight such that they would indicate taking a decision other than in accordance with the development plan.
56. For the reasons given above, and having carefully considered all other matters raised, I recommend that the appeal be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

57. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR