
Appeal Decision

Site visit made on 2 September 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/G5180/W/20/3249272

Al-Emaan Centre, Croydon Road, Keston BR2 8HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Omar Taha against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04799/FULL1, dated 6 November 2019, was refused by notice dated 25 February 2020.
 - The development is a glazed screen located under an existing canopy, creating an external storage area.
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Decision

1. The appeal is allowed and planning permission is granted for a glazed screen located under an existing canopy, creating an external storage area at Al-Emaan Centre, Croydon Road, Keston BR2 8HF in accordance with the terms of the application, Ref DC/19/04799/FULL1, dated 6 November 2019, and the plans numbered: Site Location Plan at 1:1250, 19038 003 P1, 19038 004 P1.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The application was submitted retrospectively, and I saw at my site visit that the glazed screen had already been installed. I have therefore considered the appeal on this retrospective basis.

Main Issue

4. The main issue in the appeal is whether the proposal is inappropriate development within the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies.

Reasons for the Recommendation

Whether it would be inappropriate

5. The appeal site, containing a former Methodist church which is currently used as a mosque, is located within the Green Belt adjacent to a garden centre and a school. The development which is subject to this appeal is a glazed screen to

the side of the main building, below an existing canopy, creating an additional internal space for storage purposes. The screen is comprised of white uPVC window frames with glazed panels above a small brick wall with an entrance door in the centre.

6. Paragraph 145 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy 49 of the London Borough of Bromley Local Plan (2019) is similarly worded and is consistent with the Framework's approach.
7. There is no definition of disproportionate development within the Framework or in Policy 49. However, it is clear that previous extensions must be taken into account when considering if an original building would be extended disproportionately.
8. Although, the screen does create an additional enclosed space, the development does not increase the overall useable footprint of the building as the canopy, which was granted planning permission in 2010¹, is an existing structure. Therefore, the overall covered floorspace occupied by the building has not been increased and the development does not result in a disproportionate addition over and above the size of the original building.
9. The figures provided by the Council regarding the increase in floorspace are noted. However as set out above, the glazed screen does not increase the floorspace occupied by the building. It was also noted during the site visit that the screen does not fully enclose the room as there is a small gap between the canopy and the glazing, resulting in a space which is not substantially more permanent or prominent than the existing canopy and hence is unlikely to be used in the same way as part of the internal building.
10. Therefore, the development would not be inappropriate development in the Green Belt as it would fall under the exception listed in paragraph 145 (c) of the Framework and Policy 49. It would also accord with Policy 7.16 of The London Plan (2016). These policies collectively seek to protect the Green Belt.

Other Matters

11. Concerns from third party representations regarding highway safety, due to an intensification of the site leading to traffic congestion and parking problems, have been highlighted. The previous appeal decision² found harm to highway safety relating to an intensification in the use of the site. However, this related to a more substantial side extension creating two additional rooms which the appellant stated were to be used as classrooms. The development before me is primarily a storage area, as I saw during my site visit, as well as being used for prayers once a week for 30 minutes. It is considered a storage area would not lead to the intensification of the site in the same manner as two classrooms would, however it may facilitate a greater number of people at the site when used as an additional prayer room. Nevertheless, in the absence of substantive evidence, I see no reason why the limited use of this enlargement would result in unacceptable traffic or harm to highway safety.

¹ 10/01683/FULL1

² APP/G5180/W/15/3133241

Conditions

12. The Council have suggested a condition, within their original report, requiring the development to use materials matching those of the existing building. However the development has already been constructed and, as the materials used are considered acceptable, this condition would therefore not be necessary.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR