
Appeal Decision

Site visit made on 9 March 2021

by N Thomas MA MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/G5180/C/20/3259222
166 Croydon Road, Penge SE20 7YZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Carlton Fiddler against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The enforcement notice, numbered EN/18/00701/OPDEV, was issued on 10 August 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of a raised platform, balustrade and decking situated at the front of the land.
 - The requirements of the notice are:
 - (a) Remove the raised platform, balustrade and decking from the land.
 - (b) Remove all resulting debris arising from compliance with the requirements of a) from the land.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The ground (a) appeal and the deemed application

2. The appeal on ground (a) is that planning permission should be granted for the matters stated in the notice as constituting a breach of planning control.
3. Having regard to the reasons for issuing the notice, the main issue is the effect of the development on the character and appearance of the building and surrounding area.
4. The site is the forecourt of a commercial unit, within a terrace of similar properties. It is in a built up and predominantly residential area which has a range of building forms. The forecourt is continuous with that of the neighbouring properties in the terrace, sloping down with wide steps towards a wide footway alongside Croydon Road. The generally open frontage and the three storey form of the terrace are distinctive features in the street scene.
5. The deck creates a level area over most of the forecourt, leaving a small open strip alongside the footway. It has steps to one side, leading to a raised

- platform with balustrade and planters. The adjacent property at No 164 has a smaller and lower decked area, but otherwise the forecourts are open.
6. Due to the slope of the forecourt the deck and railing are in an elevated position, resulting in a substantial and prominent structure. It reduces the openness of the street scene, and creates a visual barrier between the forecourts of the commercial units. It is larger and higher than the existing deck to the front of No 164 and more prominent due to its mid terrace position. As a result of its size, design and materials, it is an incongruous feature that detracts from the buildings in the terrace and the contribution they make to the street scene.
 7. I am aware that planning permission¹ has been granted for the redevelopment of No 164, to include landscaping, access ramp and stairs to the front of the building. That property is at the end of the terrace, and the proposed site plan provided by the Council indicates areas of planting. The plan indicates that the finished development would not be comparable with the appeal development in terms of its prominence and appearance in the street scene.
 8. I recognise that the original forecourt is uneven, does not provide level pedestrian access to the premises and requires improvement, but I am not satisfied that there are no alternative means of achieving this in a manner that would be less prominent and incongruous. Treating the timber in a more subtle colour could reduce its visual impact but would not overcome the harm caused, as the structure would nonetheless be a prominent feature that detracts from the distinctive open appearance of the forecourts.
 9. For the reasons set out above, I conclude that the development is harmful to the character and appearance of the building and surrounding area. It is thus in conflict with Policy 37 of the Bromley Local Plan 2019, insofar as it seeks to ensure that development is of a high standard of design and layout which contributes positively to the existing street scene. It follows that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

N Thomas

INSPECTOR

¹ Ref 20/02844