



Appeal Decisions

Site visit made on 18 April 2023

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2023

Appeal A Ref: APP/G5180/W/22/3293619 184C Maple Road, Penge, London SE20 8JB

- 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 Miss H Pooke against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/05921/FULL1, dated 22 December 2021, was refused by notice dated 16 February 2022.
 - The development proposed is described as "upward extension and use as office/workshop (dress makers studio) (retrospective)."
-

Appeal B Ref: APP/G5180/C/22/3292264 Land at the rear of 184 Maple Road, Blenheim Road, Penge, SE20 8JB, also known as garage on the south side of Blenheim Road

- 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 Miss H Pooke against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The enforcement notice was issued on 4 January 2022.
 - The breach of planning control as alleged in the notice is without planning permission, a first-floor extension to an existing single storey garage/workshop has been constructed.
 - The requirements of the notice are:
 - a) Remove the unauthorised extension described in paragraph 3, and restore the building to its original size; and
 - b) leave the Land in a clean and tidy condition.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
-

Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** It is directed that the enforcement notice is varied by:
 - deleting the words "3 months." within section 6 (Time for Compliance) and its replacement with "6 months".
3. Subject to the variation, the enforcement notice is upheld.

Appeal A: Main Issues

4. The main issues are the effect of the development on:

- The character and appearance of the area; and
- The quality of the workspace environment for current/future occupiers of the office/workshop/dress makers studio.

Reasons

Character and appearance

5. The appeal site relates to a former garage building located at the rear of 184 Maple Road, in an area characterised by a mix of commercial and residential uses. The appeal relates to the recent upward extension of a formerly vacant garage building to form an office/workspace used in connection with a dress makers studio.
6. The site lies adjacent to a small row of Victorian terraces. Whilst these are taller than the appeal building, they are set back from the street behind small front gardens, and are articulated with interesting front elevations comprising, front bay windows, good sized windows at first floor level, and traditional materials including stock brickwork, tiles, and slate roofs. Collectively, these traditional features and materials make a positive contribution to the character and appearance of the streetscene. Prior to the current unauthorised development, the site comprised a low-lying single storey garage subservient to the neighbouring buildings and provided an important gap in the streetscene between the terraces on Maple Road and Blenheim Road.
7. The alterations of the former garage building including the construction of an additional floor extend the building considerably, such that the building is no longer subservient to the neighbouring buildings. In contrast to the neighbouring terrace on Blenheim Road, the additional first floor extension is not set back from the street, and the design of the building with painted rendered wall, and minimal fenestration, lacks any architectural merit and is at odds with the prevailing character of the area. Whilst the footprint of the building has not increased, the additional height, scale, and poor design of the building introduces an overly dominant and visually discordant feature, which fails to harmonise with its surroundings, and is also highly prominent from public vantage points on Maple Road and Blenheim Road. The effect of the development diminishes unacceptably the character and appearance of the area generally.
8. Therefore, the development results in harm to the character and appearance of the area. Accordingly, the development is contrary to Policy 37 of the London Borough of Bromley Local Plan, 2019 (LP) and Policy D3 of the London Plan, 2021. Amongst other things, these state that development proposals should be imaginative and attractive to look at and of a good architectural quality and that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape, with due regard to existing and emerging street hierarchy, building types, forms, and proportions.

Quality of the workspace environment for current/future occupiers of the workshop/dress makers studio

9. The development provides additional floor space at first floor level for the office/workshop (dress makers studio). In terms of light, outlook, and ventilation for future occupiers of the site, the main work room at first floor level is served by a single rooflight and a narrow high-level window only, which fails to provide acceptable levels of natural light, outlook, and ventilation for the intended use as a dressmaker's studio. Indeed, combined with the modest internal height of the first floor, the development results in a poor-quality workspace environment and a sense of enclosure, oppressive for current/future occupiers of the site.
10. Consequently, I conclude that the development results in a poor workspace environment for current/future occupiers of the site. In this respect, the development conflicts with Policy 37 of the LP. Amongst other things, these require that development proposals be of the highest standard of design and layout and respect the amenity of future occupants providing healthy environments and ensuring that they are not harmed by inadequate daylight and sunlight.

Conclusion on Appeal A

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. I have found conflict with the development plan with regard to character and appearance of the area and the quality of the the workspace environment for occupiers of the site. I note that the development results in additional commercial accommodation within the Crystal Palace, Penge, and Anerley Renewal Area. However, this does not outweigh the harm I have identified above. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
12. For the reasons given and with regard to all other matters raised, I conclude that Appeal A should fail.

Appeal B: The appeal on Ground (g)

13. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The appellant asks that the time for compliance is extended from 3 months to 9 months in order to erect hoarding around the site and find suitably qualified contractors to undertake the necessary remedial works, particularly in light of Covid-19 restrictions. The appellant also states that they will need to make suitable arrangements to find alternative premises.
14. I have found under Appeal A, that the development results in harm to the character and appearance of the area and fails to provide acceptable workspace environment for occupiers of the site. Furthermore, we are now in a different situation with the Covid-19 pandemic with the easing of restrictions. As such, the 9 months requested to comply with the notice is disproportionately excessive to complete the requirements of the notice.
15. The time for completing the requirements should be what is reasonably considered necessary to complete the requirements. In my view, 6 months

would strike a more reasonable and proportionate balance to comply with the notice, to find alternative accommodation and undertake the necessary works. I shall therefore extend the period from 3 to 6 months for compliance with the notice.

16. The appeal succeeds on ground (g), and I shall vary the notice accordingly.

Conclusions

17. **Appeal A:** For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

18. **Appeal B:** For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on grounds (g) succeeds to that extent.

R Satheesan

INSPECTOR