



Appeal Decision

Site visit made on 18 February 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/G5180/W/24/3350016

Carlton Court, Maple Road, Penge, Bromley, London, SE20 8EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Kris Collett of Castlemere Developments Limited (UK) against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 24/01388/NDFLAT.
 - The development proposed is the construction of dwellinghouses above existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats subject to limitations and conditions. The application seeks prior approval for an extension to provide four additional flats on this basis.
3. Paragraph A.1 of Class A sets out requirements that the proposal must satisfy to qualify for prior approval. The Council considers that the development complies with the requirements set out in this paragraph. Based on the evidence before me, I see no reason to disagree.
4. However, Paragraph A.2 details that development under Class A is permitted, subject to an application to the local planning authority for a determination as to whether prior approval is required, in relation to the conditions set out in Paragraph A.2(1). The Council allege that the proposal would be contrary to conditions A.2 (1) (e) and (g) which relate to the external appearance of the building and the impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light.

Main Issues

5. The reason for refusal relating to condition A.2. (1) (e) refers to the effect of the proposed development on the character and appearance of the area and building. With reference to condition A.2 (1) (g), the Council refer to loss of privacy, overlooking, a loss of outlook, overshadowing and an overbearing impact

detrimental to the neighbouring resident's amenity. I therefore consider the main issues to be the effect of the proposed development on:

- the character and appearance of the area and building; and;
- the occupiers of Kingsbridge House in respect of privacy, daylight and outlook.

Reasons

Character and appearance

6. Whilst the character and scale of surrounding development is mixed, the appeal site is a brick built three storey block of flats and it and the neighbouring Benhurst Court and Carole House, appear as a cohesive group, set significantly back from Maple Road, with parking to the front and landscaping around the buildings. These buildings have a well-designed unified appearance as a result of sharing a similar simple design, being brick built with flat roofs and white fenestration.
7. The additional storey has been designed as a contemporary addition with a recess around the building and brick parapet. However, despite this the proposed additional storey would be at odds with the simple design of the host building, due to the proposal adding significant bulk and mass at roof level. As a result, the extension would fail to be subservient to the host building and those within the group identified. The proposal would also be at odds with the design and materials of the existing building, with an uncharacteristic, pitched roof, and the proposed use of zinc cladding, both of which would increase the prominence of the roof, so that it would appear as an incongruous addition.
8. Reference is made to Knightsbridge House and Jasmine Grove being four storey buildings with pitched roofs. Knightsbridge House is located adjacent to the parking area serving Carlton Court. It does not form part of the group of buildings identified above due to its position facing Maple Road and its more ornate form. Unlike the proposal, the pitched roof on this building is subservient to Knightsbridge House and is in keeping with its traditional form. In addition, Readman Court on Jasmine Grove is on a different road and would not be visible in the context of the proposal. Furthermore, Dover House is on a corner plot whereby buildings tend to be taller and the examples of Carole House and Aldephi Court have flat roofs emphasising the prevailing character of flat roofs in the immediate vicinity of the appeal site. As such the examples cited are not sufficiently similar to justify the appeal scheme.
9. Whilst the appeal site is surrounded by mature landscaping and set back from the road, the proposal would be visible from multiple vantage points including but not limited to Benhurst Court and the rear communal garden area of Kingsbridge House. From these viewpoints, rather than improving the appearance of the building, the addition would appear as a stark and visually prominent addition.
10. The National Planning Policy Framework 2025 (the Framework) supports upward extensions, where the development would be consistent with the prevailing form of neighbouring properties and overall street scene. For the reasons identified above the appeal scheme fails to achieve this aim. In addition, the reference to not preventing or discouraging innovation or change is subject to the need to be sympathetic to the local character of the surrounding built environment.

11. Reference is made to a fallback position of the scheme approved under prior approval 23/01413/NDFLAT which details the erection of an additional storey to provide three flats. There is a real prospect that this could be erected and as such it is a material consideration in my assessment. The proposal is significantly taller, has a larger footprint and a different style of roof compared to the approved scheme. Accordingly, the fallback position is a less harmful alternative in terms of its impact on the character and appearance of the area and building, therefore it carries little weight as a consideration in the scheme's favour in this respect.
12. For the reasons above, the proposal would have an adverse effect on the external appearance of the building. As such it would be contrary to condition A.2 (1) (e) of Schedule 2, Part 20, Class A of the GPDO. Additionally, it would be contrary to policies 4 and 37 of the London Borough of Bromley Local Plan Planning Division¹ and policies D3 and D4 of the London Plan. These policies seek development to achieve a high standard of design, complement the scale, proportion, and materials of adjacent buildings and recognise and compliment the qualities of the surrounding area.

Privacy, daylight and outlook

13. Carlton Court is located between the rear communal garden area serving Kingsbridge House and Benhurst Court. It is positioned closest to the boundary with Kingsbridge House with separation distances from the boundary ranging between approximately 6.44m and 3.4m due to its staggered elevation.
14. The proposal would result in additional windows facing the communal garden area of Kingsbridge House. These windows would be larger than those on the lower levels and vertically designed which would provide a greater level of outlook over the communal garden area. The impact would be exacerbated due to the northeastern elevation running parallel to the side boundary of the communal garden area at Kingsbridge House, thereby windows would directly face the garden. This would impinge on the privacy of the users of this garden area.
15. When compared to the fallback scheme the number of windows in the elevation facing Kingsbridge House would be the same, albeit they are a different design. Accordingly, the fallback position would have a comparable level of harm in respect of privacy and therefore this carries significant weight as a consideration in assessing compliance with condition A.2 (1) (g) of Schedule 2, Part 20, Class A of the GPDO.
16. With reference to the additional storey resulting in a loss of light to Kingsbridge House, whilst there may be some potential for overshadowing, it has not been demonstrated with sufficient evidence that if this did occur that it would be unduly harmful to neighbouring occupiers.
17. Due to the separation distance between Kingsbridge House and the appeal site and because the appeal site is positioned behind Kingsbridge House, the appeal scheme would not appear overbearing when viewed from Kingsbridge House.
18. For the reasons above, the proposal would not negatively impact the amenity of the occupiers of the existing building and neighbouring premises including overlooking, privacy and the loss of light when compared to the fallback position.

¹ Adopted January 2019

As such it would comply with condition A.2 (1) (g) of Schedule 2, Part 20, Class A of the GPDO.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

V Goldberg

INSPECTOR