



Appeal Decision

Site visit made on 11 June 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2025

Appeal Ref: APP/G5180/W/25/3361253

47 Southborough Road, Bickley, Bromley, BR1 2EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr J Ozkan against the decision of the Council of the London Borough of Bromley.
- The application Ref is 19/00483/RECON.
- The application sought planning permission for a single storey rear extension, infill extension to link garage to main dwelling and enlargement/alterations to roof to create first floor accommodation, and relocation of vehicle crossover with associated hardstanding, landscaping, refuse storage and front boundary wall without complying with conditions attached to planning permission Ref DC/19/00483/FULL6, dated 21st June 2019.
- The conditions in dispute are No's 2 and 4, which state that:
 - '2. *The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.*
 - '4. *The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.*
- The reason given for the conditions are:
 - '2. *In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.*
 - '4. *In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit, it was evident that the proposed changes are substantially underway. I have considered the appeal accordingly.

Background and Main Issue

3. Planning permission was granted for various alterations including the creation of a first floor to the appeal property under application reference DC/19/00483/FULL6. Condition 2 of that approval requires development to be built in accordance with the approved plans, unless otherwise agreed in writing by the Council. Condition 4 requires the materials to be used for the external surfaces of the building to be as set out in the planning application forms and/or drawings, unless otherwise agreed in writing by the Council.

4. In essence, the appellant seeks a new permission to amend Conditions 2 and 4 to allow for different window sizes, and different materials. A number of windows are smaller than originally approved. The different materials include black Marley Cedral click planking at first floor level, black roof slates and black aluminium windows.
5. There is no dispute between the parties regarding the acceptability of the amendments to the window sizes. On the basis of the evidence before me I am satisfied that this aspect of the proposal would be acceptable and would not conflict with any development plan policies.
6. Therefore, the main issue is the effect of the revised materials on the character and appearance of the area.

Reasons

7. The appeal site relates to a dwelling on Southborough Road, close to the junction with Park Hill. The evidence before me outlines how until recently, the site was occupied by a detached bungalow constructed of red brick. The bungalow has now been extended to form a two-storey detached house. Surrounding development comprises mainly detached dwellings on spacious plots. Although there is some variation in design, the area is predominately characterised by Edwardian style properties. Red brick and lighter-coloured render are commonly used, and this contributes to the character of the area.
8. As originally approved, the dwelling would have red brick at ground floor level and a brown shade of planking at first floor level, in keeping with the surrounding Edwardian style properties, and positively contributing to the character of the area.
9. The use of the much darker colours, particularly the black planking at first floor level, would contrast with surrounding development which is predominately characterised by the use of lighter colours or red brick. The changes would result in the dwelling appearing overly dominant in the street scene and out of keeping with surrounding development.
10. The site is somewhat screened by vegetation to the front boundary of the site, however the property, and therefore the dark cladding, is still readily visible when travelling along the Southborough Road towards the junction with Claremont Road. There are also views of the darker cladding when travelling along Park Hill Road towards Southborough Road.
11. Whilst there is some variation within the immediate area, materials generally consist of lighter shades of render and brick work finish. The appellant has drawn my attention to the use of dark coloured cladding at what appears to be the garage/annex at 144 Southborough Road. It is however unclear from the evidence before me if this cladding benefits from planning permission. In any instance, this property is situated a distance away from the appeal site and I do not consider that it forms part of the character of the immediate area surrounding the site. In addition, in my view, there is more variation in design and materials in the area surrounding No.144, including the row of shops opposite the site and the nearby library. It is therefore not directly comparable to the appeal scheme.
12. Turning to the property at 37 Walpole Road, this site is also not within the area immediately surrounding the appeal site. Furthermore, it is close to the Chatterton

Road shopping area which comprises a range of uses and variation in building design and style. The Council outlines how the planning application referenced by the appellant allowed for a brick wall, railings and electric gate, rather than cladding. It is therefore unclear whether the cladding benefits from planning permission. The property at Scotts Lane is some distance away from the appeal site and is therefore not directly comparable. In any instance, each application is determined on its own merits.

13. Although no specific design code or guidance prohibits the use of black cladding, the relevant policies in the Bromley Local Plan (2019) (BLP) seek to ensure that development positively contributes to the existing street scene. This is a matter of planning judgment, and the Council have clearly set out the reasoning to their decision in their evidence.
14. The appellant has suggested the use of additional climbing plants to soften the façade. These would however take some time to become established and in any instance, I am not satisfied that they would sufficiently mitigate the harm identified. Whilst the amended materials may be cheaper than those originally approved, this does not justify the harm that I have identified.
15. For the above reasons, I conclude that the revised materials would have an unacceptable impact on the character and appearance of the host property and surrounding area. This would be contrary to Policies 6 and 37 of the BLP which amongst other things, require development to positively contribute to the existing street scene. It would also be contrary to the provisions National Planning Policy Framework in this regard.
16. Whilst Policies D3 and D4 of the London Plan (2021) (LP) do not enforce strict material uniformity, they do collectively seek to ensure good design which responds to the local character of an area. Policies GG1 and GG2 of the LP similarly don't enforce strict material uniformity. Nonetheless, this does not overcome the harm identified above.

Other Matters

17. The Council set out in their case officer report how the amendments would not harm the amenities of nearby residents. They have clearly set out their reasoning as to why the amendments would harm the character and appearance of the area. The admission that it would not harm neighbouring amenity does not weaken their reasoning regarding its effect on the character of the area. Whilst the amendments maintain privacy to neighbouring occupiers, this is considered a neutral factor and does not weigh in favour of, nor against the appeal.

Conclusion

18. For the reasons set out above, I conclude the appeal should be dismissed.

S Burch

INSPECTOR