



Appeal Decision

Site visit made on 23 October 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal Ref: APP/T5150/W/25/3370710

Fairfield Court, Longstone Avenue, London NW10 3TS

- 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 BBCC Estates Ltd against the decision of the Council of the London Borough of Brent.
 - The application reference is 25/1444.
 - The development proposed is the construction of two additional storeys comprising 9x flats with dormer windows, rooflights and associated cycle and refuse storage.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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") for the construction two additional storeys comprising 9x flats with dormer windows, rooflights and associated cycle and refuse storage at Fairfield Court, Longstone Avenue, London NW10 3TS in accordance with the application reference 25/1444 and the details submitted, and subject to the conditions in the attached schedule.

Preliminary and Procedural Matters; Main Issues

2. The description of development in the banner heading and my formal decision is based on that used on prior approval application form, though I have removed references to the prior approval process as it is not descriptive of the proposal.
3. Schedule 2, Part 20, Class A of the GPDO permits development consisting of 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, as well as certain associated works including the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses. While the principle of development is established by the provisions of the GPDO, it is subject to limitations and is contingent upon the grant of prior approval for a specific proposal.
4. Having taken account of the reasons for which the Council refused to grant prior approval, and all the other evidence before me, I consider the main issues to be:
 - Whether the proposal would be permitted development as provided for by Schedule 2, Part 20, Class A of the GPDO; and
 - If so, whether prior approval should be granted, having regard to the matters set out in Paragraph A.2 (1) of Part 20, Class A of the GPDO.

Reasons

Permitted development

5. Fairfield Court is a detached three-storey residential block containing 24 flats. The proposed development would see a further two storeys added to the top of the existing building to provide a further nine flats.
6. Development is not permitted by Part 20, Class A of the GPDO in a variety of circumstances including, as set out in Paragraph A.1.(n)(ii), where storage and other ancillary facilities would “be situated on land forward of a wall forming the principal elevation of the existing building”. In this case, the proposed cycle storage would include two Sheffield cycle stands for short-stay parking, which would be in front of the existing principal elevation of Fairfield Court.
7. The siting of the Sheffield stands, and the proposal’s consequent non-compliance with the limitations of the GPDO, formed the entire basis of the Council’s refusal of prior approval for the proposed development. There is no dispute that the cycle parking facilities would be necessary to support the additional housing which would be provided. The appellant has referred to a grant of prior approval elsewhere¹, in which the local planning authority imposed two pre-commencement conditions requiring the submission and approval of details of secure cycle parking, and refuse and recycling facilities. While I do not know the full details of that application, it was made under Part 3, Class MA of the GPDO, which is subject to a different range of limitations and conditions; I am not persuaded that the same approach would be appropriate under Part 20, Class A, notwithstanding the reasonably broad scope of conditions permitted by Part 20 Paragraph B.(18).
8. However, a separate application for the provision of cycle storage (LPA Ref: 25/2312) was submitted in August 2025, at the same time as this appeal was lodged, and planning permission was granted on 13 October 2025. As there is in this case now a separate planning permission which includes the Sheffield stands, it is possible to impose conditions excluding that element from this scheme, but which require that the new flats are not occupied until the cycle storage facilities provided for by the other permission have been installed. Subject to such conditions, the proposal would be permitted development as provided for by Schedule 2, Part 20, Class A of the GPDO.

Prior approval matters

9. In determining the application, the Council was satisfied that the proposal would comply with the prior approval matters set out in Paragraph A.2 (1) of Part 20, Class A of the GPDO. None of the evidence which has been put before me, or anything I saw during my site visit, leads me to disagree with that assessment. In view of my findings on the other main issue, I therefore conclude that prior approval should be granted.

Conditions

10. The Council proposed that six conditions should be imposed in the event of my allowing the appeal; the appellant did not object – or indeed comment – on them. However, the suggested conditions imposing a three year time limit for commencing the development, requiring the notification of the local planning

¹ Within the Royal Borough of Kingston upon Thames, LPA Ref: 24/02997/PAMA

authority on the completion of the development, requiring the submission of a construction management plan, and restricting the new dwellings to uses within Class C3 of the Use Classes Order are not necessary; they would duplicate the standard conditions to which any development under Part 20 Class A of the GPDO is subject.

11. For certainty, a condition defining the approved plans and documents (1) is necessary. For the reasons set out in my discussion of the main issues above, Condition 1 excludes the proposed cycling parking facilities, while a further condition relating to the provision of cycle storage facilities in line with the separate October 2025 planning permission (2) is also necessary.
12. The appeal site is within a controlled parking zone and, in the interests of sustainable travel and in order to prevent an unacceptable increased demand for on-street parking in the locality, I have imposed a condition requiring the new flats to be car-free (3). I have amended the suggested wording of this condition so that it accords with the guidance on conditions set out in the National Planning Policy Framework and the Planning Practice Guidance.

Conclusion

13. For the reasons I have set out above, I conclude that the appeal should be allowed and prior approval granted, subject to the conditions in the attached schedule.

M Cryan

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, except in respect of the cycle parking facilities shown on plan 24/1511 101 B:
 - 24/1511 001 Existing Site Plan
 - 24/1511 002 Existing Ground Floor Plan
 - 24/1511 003 Existing First Floor Plan
 - 24/1511 004 Existing Second Floor Plan
 - 24/1511 005 Existing Roof Plan
 - 24/1511 006 Existing Front (East) Elevation
 - 24/1511 007 Existing Rear (West) Elevation
 - 24/1511 101 REV B Proposed Site Plan
 - 24/1511 102 REV A Proposed Third Floor Plan
 - 24/1511 103 Proposed 4th Floor (Loft) Plan
 - 24/1511 104 Proposed Roof Plan
 - 24/1511 105 Proposed Front (East) Elevation
 - 24/1511 106 Proposed Rear (West) Elevation
 - 24/1511 108 Proposed South Section (Through rear block)
 - 24/1511 109 Proposed North Section (Through rear block)
 - *Fairfield Court, Longstone Avenue, NW10 Daylight and Sunlight Assessment Issue 1 (T16 design) dated 27 February 2025*
- 2) The nine dwellings hereby approved shall not be occupied until the cycle parking facilities approved by planning permission reference 25/2312 dated 13 October 2025 have been brought into use in full accordance with that permission.
- 3) The nine dwellings hereby approved shall not be occupied until arrangements have been made to secure them as car-free development in accordance with a detailed scheme or agreement which shall have first been submitted to and approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:
 - i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
 - ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be retained and operated for so long as the use hereby permitted continues.