



Appeal Decision

Site visit made on 16 June 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal Ref: APP/G5180/C/24/3344098

Apartment 6, Trade Court, 69 Church Road, Anerley SE19 2TA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Adil Adil of AVF Developments (Crystal Palace) Ltd against an enforcement notice issued by the Council of the London Borough of Bromley.
- The enforcement notice was issued on 5 April 2024.
- The breach of planning control as alleged in the notice is failure to comply with conditions imposed on a planning permission ref DC/19/03203/FULL1 granted on 8 November 2019.
- The development to which the permission relates is: The demolition of the existing building and erection of a part 4 and 5 storey building with additional part lower ground floor comprising two 1 bedroom, three 2 bedroom two 3 bedroom flats and provision of commercial retail unit at ground floor. Provision of external amenity space.
- The conditions in question are no's 2 and 11 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.
 - 11. Details of the means of privacy screening for the upper level external terrace shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony being brought into use and permanently retained as such.
- The notice alleges that the conditions have not been complied with in that: a clear glass balustrade has been installed on the upper external terrace which is not shown on any approved plans nor with the previous written agreement of the Council.
- The requirements of the notice are to:
 - a. Remove from the land the clear glass balustrade on the upper level external terrace
 - b. Install on the upper level external terrace the obscured glass privacy screen with top edge 1.8m above finished terrace level and the powder coated metal fence to match rear block in dark grey RAL 7021, both in accordance with drawing 7451-PD-101 approved under reference 18/032203/CONDIT.
- The period for compliance with the requirements is: 2 months
- The appeal is proceeding on the ground 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.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision

Ground (a) and the deemed planning application

Preliminary Matters

1. Since the appeal was made, the Council has requested corrections to the planning permission references in Section 3 and Section 5 of the notice. The Council notes that the building was constructed under planning permission ref. 19/03203/RECON and the notice should have referred to the specific conditions attached to that permission rather than the references cited in the enforcement notice.

2. I am satisfied that the enforcement notice can be corrected to refer to the correct permission and conditions. The appellant is aware of the planning history, has not objected to the proposed corrections, and the substance of the breach remains unchanged. Therefore, I am satisfied that these changes can be made under my powers in Section 176(1) of the Act without causing injustice to either party.
3. As the proposal is located within a conservation area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Belvedere Road Estate Conservation Area (the 'CA').

Main Issues

4. Taking into account the above background, evidence from the parties and my observations onsite, it is considered that the main issues are:
 - the effect of the development on the character and appearance of the area, including the CA; and
 - the effect of the development on the living conditions of neighbouring occupiers, with particular regard to privacy and overlooking.

Reasons

Conservation Area

5. The Supplementary Planning Guidance for Belvedere Road Conservation Area identifies its local character as one of harmonious diversity, where it is uncommon for neighbouring buildings to be identical. The design and materials used vary throughout the area, which contains a mixture of densely developed terraces and more spaciouly laid out detached and semi-detached properties. It states that the diversity of exterior materials in the conservation area allows considerable scope in selecting an exterior finish for a new building. As the name Belvedere Road suggests, (a "belvedere" is an architectural feature specifically designed to afford a vantagepoint or view from the high parts of a building,) the area is characterised by access to the surrounding views over London. These views are often provided through the construction of towers and other viewing points. Overall, the significance of the CA derives largely from the harmonious architectural diversity and access to vistas and strategic views, through the provision of vantage points or 'belvederes'
6. The appeal site consists of a recently constructed development which contains several flats and a commercial retail unit. The subject of this appeal is a duplex flat, which includes a fourth-floor rooftop terrace. It is enclosed by a clear glass balustrade, measuring approximately 1.8 metres high on the front elevation and 1 metre in height on the side and rear elevations. The balustrade is set back approximately 2.8 metres from the front parapet. As a modern building which fits within the diverse context of existing development, I find that the appeal property makes a positive contribution to the significance of the CA.
7. In terms of the effect on the character and appearance of the building itself, the appeal site is clearly contemporary in design. The use of a clear glass balustrade is consistent with this modern architectural approach and does not appear incongruous when viewed in the context of the host building. Instead, it provides a

transparent, lightweight and visually recessive feature, which respects the form and detailing of the building without introducing visually intrusive or overly dominant elements. When considering the wider CA, which is characterised by architectural diversity, the use of clear glass in this instance does not detract from its significance.

8. In terms of the wider visual effect on the CA, the limited height and setback of the balustrade from the front parapet does mitigate its visual prominence in both immediate and longer-distance views. This helps to ensure that the development does not interrupt the established roofscapes or key vistas that contribute to the significance of the CA.
9. Furthermore, the use of clear glass facilitates the use of the rooftop terrace as a vantage point. This aligns with one of the defining characteristics of the CA, namely the provision of views across London and beyond.
10. For these reasons, I find that the clear glass balustrade preserves the character and appearance of the area, as well as the positive contribution the building makes to the character and appearance of the CA. Accordingly, it accords with paragraph 212 of the National Planning Policy Framework (the Framework), which states that great weight should be given to the conservation of heritage assets. It would accord with Policy 37 of the Bromley Local Plan 2019 ('LP'), which requires development to respect important views and heritage assets.

Living Conditions – privacy and overlooking

11. The Council considers that non-compliance with the approved plans and the subsequent replacement of the approved obscure-glazed privacy screen with clear glass, could result in a greater perception of intervisibility and may also increase the potential for harm to the living conditions of neighbouring properties.
12. The appellant advises that there is a separation distance of approximately 16 metres between the balustrade and the opposing building façades. They compare this distance with the narrower distance of around 10.5 metres typically found between buildings at street level. The appellant further submits that, at roof level, there is no direct line of sight into opposing properties and therefore no direct overlooking would occur. They also consider that views from the terrace would be less intrusive than those already experienced between facing windows at lower levels, as well as from other windows within the appeal property that face neighbouring occupiers.
13. While I acknowledge that the separation distance and the setback of the balustrade partially mitigates the degree of overlooking, they would not eliminate it. When compared with the distances typically found at street level, it is clear that the terrace provides an elevated vantage point, affording extensive views across the surrounding area. From my observations during the site visit, it is considered that this height enables occupants of the terrace to look downwards into neighbouring properties more readily than would be possible at street level.
14. This is of particular relevance for the occupiers of Nos. 58, 60, and 62 Church Road, where the Victorian terraces include rooflights and upper-floor flats that would be exposed to views from the terrace. There is no substantive evidence before me to demonstrate that these views would avoid the primary habitable rooms of these dwellings. Although such views may not necessarily be more

intrusive than existing intervisibility between facing windows, the downward angle of view from the terrace would, in my judgement, increase the perception of being overlooked. Moreover, the function and use of a rooftop terrace differs from that of internal windows, in that it is likely to be used for extended periods of outdoor amenity. As a result, occupiers would be more likely to spend time in this space, thereby increasing opportunities for overlooking and, consequently, the perceived loss of privacy for neighbouring residents.

15. I recognise that some degree of overlooking is inevitable in a densely developed urban environment, especially within London. However, the previously approved obscure-glazed privacy screen would have provided an important level of mitigation by limiting direct views while still allowing light to pass through.
16. In reaching this view, I have considered that a clear balustrade maximises outward views. Nevertheless, the function of the approved privacy screen was to strike a balance between the enjoyment of the terrace by its occupants and the protection of neighbouring amenity. Given the elevated position and amenity function of the terrace, I am not persuaded that a clear glass balustrade would maintain this balance.
17. In conclusion, the development would have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to privacy and overlooking. It would not respect the amenity of occupiers of neighbouring buildings and would fail to ensure that they are not harmed by privacy concerns, contrary to Policy 37 of the LP. On that basis, these planning conditions remain necessary, relevant to the development to be permitted and reasonable in all other respects, consistent with the approach set out in the Planning Practice Guidance.

Conclusion on ground (a) and the Deemed Planning Application

18. For the reasons given above, I conclude 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.

Formal Decision

19. It is directed that the enforcement notice is corrected and varied by:

- Deleting Section 3 in its entirety and substituting the following:
 - (i) Failing to comply with condition 2 of planning permission 19/03203/RECON by installing on the upper level external terrace a clear glass balustrade not shown on any approved plans nor with the previous agreement of the Council.

Condition 2 states: "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."

Its reason is : "In order to comply with policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity."

- (ii) Failing to comply with condition 12 of planning permission 19/03203/RECON by not installing the privacy screening for the upper level external terrace approved under 19/03203/CONDIT prior to the balcony being brought into use.

Condition 12 states: “ The means of privacy screening for the upper level external terrace shall be as set out in the approved planning application forms and/or drawings under 19/03203/CONDIT unless otherwise agreed in writing by the Local Planning Authority.”

Its reason is: “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.”

- Deleting Section 5 in its entirety and substituting the following:
 - “Comply with conditions 2 and 12 of planning permission 19/03203/RECON by:-“
 - a) Removing from the land the clear glass balustrade on the upper level external terrace.
 - b) In the position of the current balustrading; installing on the upper level external terrace using the position of the current clear glass balustrading;
 - (i) On the front elevation an obscure glass privacy screen with a top edge 1.8m above finished terrace level; and
 - (ii) On the side and rear elevations a powder coated metal fence 1m in height above finished terrace level painted in dark grey RAL 7021 colour.”

20. Subject to the above corrections, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

S Lo

INSPECTOR