

Appeal Decision

Site visit made on 18 October 2016

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th November 2016

Appeal Ref: APP/G5180/W/16/3153918
25 Samos Road, Penge, London SE20 7UQ

- 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 Mr Alex Deutsch of Concrete Investment LTD against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01190/FULL1, dated 8 March 2016, was refused by notice dated 23 June 2016.
 - The development proposed is described as "a ground floor rear extension, part first floor rear extension, provision of dormer windows within rear roof slope and conversion into 5no self-contained flats of use class C3".
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension, part first floor rear extension, provision of dormer windows within rear roof slope and conversion into 5no self-contained flats of use class C3 at 25 Samos Road, Penge, London SE20 7UQ in accordance with the terms of the application, Ref DC/16/01190/FULL1, dated 8 March 2016, subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made on behalf of Concrete Investment Ltd against London Borough of Bromley. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposed description does not explicitly indicate that the proposal includes a single storey side extension; however, this is shown to form part of the ground floor proposal in the proposed drawings.
 4. Since the appeal has been lodged the Council has granted planning permission for a proposal described as "elevational alterations, conversion of garage to habitable accommodation. Single storey rear and rear dormer extension and conversion into 4 flats with 4no. car parking spaces, bicycle store and associated landscaping at rear" (LPA reference DC/16/03518/FULL1). The scheme has the same ground floor side and rear extensions as illustrated within this appeal but this does not include the first floor rear extension and incorporates a differently designed rear dormer at second floor. The internal floor layout is also dissimilar. The proposed development, the subject of this
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appeal, is therefore a different proposal and I shall consider the appeal as a standalone development.

Main Issues

5. The main issues raised in respect of the appeal are the effect of the proposal on: -
- (a) The character and appearance of the area; and,
 - (b) The living conditions of adjoining occupiers in relation to intensity of use and outlook.

Reasons

The character and appearance of the area

6. Samos Road is characterised by a mix of two and three-storey terraced and semi-detached properties comprising single dwellings and flats.
7. The ground floor extension adjacent the boundary would not be appreciably higher than the previous lean-to. Moreover, whilst the side extension would be flush with the frontage of the building, it would be single storey and would appear subservient to the main building. The extension would not significantly alter the appearance of the building in the street scene or harm the character or appearance of the area.
8. The Council and neighbouring residents have raised concern relating to the intensification of use of the property. However, other single properties in Samos Road have been converted into flats. In addition, there is row of terraced maisonettes running to the north west of the appeal site. The conversion of this single dwelling to 5 flats would, therefore, not be out of keeping with other similar flatted development in Samos Road.
9. I acknowledge the creation of parking to the frontage of the property would alter its appearance but other properties in the street have had front garden walls removed to provide parking spaces. These related, in the main, to terraced properties where one vehicle could be parked within the frontage. Parking to the frontage of properties is a feature of this area and for this reason I do not consider refusal would be justified on this ground.
10. Overall, I conclude that the proposed development would not harm the character and appearance of the area. The proposal complies with Policies BE1, H8 and H11 of the London Borough of Bromley Unitary Development Plan (UDP) which seek a high standard of design and layout, amongst other matters.

The living conditions of adjoining occupiers

11. The proposal would result in living rooms being created next to noise sensitive rooms in the adjoining property, No. 27 Samos Road, which is occupied as a single dwelling. However, it is possible to attach a condition to the planning permission to limit the impact of noise through sound mitigation measures, as the Council has done under planning permission reference DC/16/03518/FULL1.

12. Planning permission is in place that would enable a single-storey extension of the same footprint, projection, height and design to that proposed here. The relationship of the ground floor extension to the adjoining properties has therefore been found to be acceptable to the Council. Turning to the proposed first floor rear extension, the proposal would be set off the common boundaries either side. Whilst the proposal would be more apparent to adjoining occupiers when viewed from their property, the separation from the side boundaries would reduce the impact of the development. I do not consider the first floor rear extension would have a harmful impact upon the adjoining occupier's outlook or create a 'tunnel effect'. The proposed dormer windows to the rear roof slope would not give rise to further visual harm or significantly alter the living conditions of adjoining occupiers.
13. Whilst the proposal would intensify the use of the building by extending it to the rear and creating more individual households, the comings and goings by occupiers would not be significantly greater than those of a large family occupying the existing dwelling or those of 4 apartments as granted planning permission by the Council. Furthermore, these movements would be primarily at the front of the property where public movement in the highway is free and unrestricted. I do not therefore consider that the conversion to 5 apartments would give rise to harmful noise and disturbance.
14. Overall, I consider the proposed development is acceptable in terms of intensity, outlook, overshadowing, daylight, privacy and visual impact. The proposal complies with Policies BE1, H8 and H11 of the UDP which seek conversion of single dwellings to self-contained units to respect the amenities of occupiers of neighbouring dwellings and to be of a high standard of design and layout, amongst other matters.

Other Matters

15. The scheme would be acceptable in respect of parking. I observed spaces available in Samos Road, and there are no parking restrictions in place. The proposal would provide for 4 off-street parking spaces to the frontage. Whilst some on-street parking provision would be lost and the proposal would increase the number of households at the appeal site, any increase in the demand for parking spaces would be relatively low and would not, in my opinion, have a harmful effect on highway safety or would place significant pressure upon the remaining available on-street parking in the area or give rise to significant increased noise disturbance. Having had regard to the size of the proposed parking spaces and highway visibility I consider these to be adequate and to not cause inconvenience to highway users, including pedestrians and children at the local expanding primary school.
16. I have no reason to conclude that biodiversity at the appeal site or in the area would be harmed.
17. None of these matters alter my conclusion that the appeal should be allowed.

Conditions

18. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit conditions and in the interests of certainty it is appropriate that there is a condition

requiring that the development is carried out in accordance with the approved plans.

19. Conditions relating to materials and hardstanding to the front are appropriate in the interests of the character and appearance of the area. The refuse, recycling and cycle storage facilities conditions are necessary for the same reason. A condition relating to parking provision is necessary to prevent inconvenience to road users and to ensure highway safety. A condition relating to construction work is necessary to ensure the protection of the living conditions of adjoining occupiers and to ensure highway safety is not compromised during construction works and should be agreed before works take place. I consider conditions relating to surface water drainage and measures to minimise the transfer of noise to be necessary to ensure the protection of the living conditions of adjoining occupiers. To protect the living conditions of adjacent occupiers, conditions relating to obscure window glazing in the side elevation and restricting the use of the roof of the ground floor extension are necessary.
20. I consider a condition relating to a landscaping scheme to be unnecessary and onerous as the layout and planting of the rear private garden is a matter for the owners and occupiers.

Conclusions

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE

CONDITONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed 3748.P.101 Revision B, 3748.P.102 Revision –B, 3748.P.103 Revision A, 3748.P.104 Revision A, 3748.P.105, 3748.P.106 Revision A, 3748.P.108, 3748.S.21, 3748.OS and P100A.
- 3) The materials to be used in the external surfaces of the development herein permitted shall be as set out on the planning application form and /or the approved drawings. The development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the development hereby permitted details of the treatment of the hardstanding at the front shall be submitted to and approved in writing by the local planning authority. The formation of the hardstanding shall be carried out in accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
- 5) No development shall commence until a scheme of surface water drainage has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be carried out in accordance with the approved details before any part of the development hereby permitted is first occupied and the surface water drainage scheme shall thereafter be retained.
- 6) No dwelling shall be occupied until the vehicle parking has been laid out in accordance with the approved plans and thereafter shall be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) or not, shall be carried out on the land or parking spaces indicated or in such a position as to preclude vehicular access to the land or parking spaces.
- 7) Prior to the occupation of the development, refuse and recycling facilities shall be provided on site in accordance with details submitted to and approved in writing by the local planning authority, and the approved facilities shall be retained thereafter.
- 8) Prior to the occupation of the development, cycle storage facilities shall be provided on site in accordance with details submitted to and approved in writing by the local planning authority, and the approved facilities shall be retained thereafter.
- 9) Prior to the commencement of development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be carried out in accordance with the approved details.

- 10) Prior to the occupation of Unit 3 the existing window on the north eastern flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and the window shall thereafter be retained as such.
- 11) The flat roof extensions herein permitted shall not be used as a balconies or sitting out areas and there shall be no access to the roof areas.
- 12) Prior to the occupation of the development hereby permitted details of measures to minimise the transfer of noise, including method of insulation between the approved development and 27 Samos Road, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.