
Appeal Decision

Site visit made on 9 November 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2020

Appeal Ref: APP/G5180/W/20/3244809

50-52 Shortlands Road, Shortlands, Bromley BR2 0JP

- 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 Ms Charlotte Percy against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03326/FULL1, dated 1 August 2019, was refused by notice dated 11 October 2019.
 - The development proposed is a flat roof extension on top of existing building to form new third floor.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. However, the original description adequately describes the proposal and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the Shortlands Conservation Area (the Conservation Area) and on the living conditions of neighbouring occupiers with regard to noise, disturbance and outlook.

Reasons

4. The existing two storey premises are in use as a nursery. The evidence indicates that it currently functions with an occupancy of 45 attendees. A third-floor extension is sought which would increase capacity to 76 pupils.

Character and appearance

5. The appeal property has a modern appearance in comparison to the older more attractive residences dating from the late Victorian era and early twentieth century, the form, scale, materials and detailing of which form defining features of the character and appearance of the Conservation Area. The appeal property which is of simple form and limited scale sits quietly within the street scene, resulting in a neutral impact.
6. While noting the presence of larger flat roofed residential blocks within the vicinity and the inclusion of a flat roof on the recently approved development

scheme at the neighbouring 54 Shortlands Road, the roof form has clearly been utilised as an integral design feature at these sites.

7. While it is accepted that an attempt has been made to integrate the design of the third floor with the remainder of the property by aligning the two front windows with those below, the proposal would be a top heavy addition to the property, the prominence of which would be increased as it would be built forward to meet the front building line.
8. While it would be set in from the side elevations, this would only worsen its lack of coordination with the host property. This would be further compounded by the materials proposed which would contrast with those on the main body of the property and the inclusion of white upvc cladding above the first-floor windows which would only serve to re-enforce the appearance of the extension as an uncomfortable and top heavy addition.
9. Subsequently, the proposal would interfere with the simple form and limited scale of the appeal property, to the detriment of its appearance. The resultant building would have a detrimental, rather than a neutral impact on the character and appearance of the Conservation Area.
10. The harm to the significance of the Conservation Area would be less than substantial. Paragraph 196 of the National Planning Policy Framework (the Framework) requires such harm to be weighed against any public benefits of the proposal.
11. Such benefits in this instance would arise from the greater capacity that would be achieved at the nursery. However, such an increase would be likely to be relatively modest when compared with wider nursery provision across the borough. Given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to conservation areas, the benefits identified are therefore not sufficient to outweigh this harm.
12. The proposal would therefore conflict with Policies 37 and 41 of the Bromley Local Plan (2019) (BLP) which amongst other things seek high quality design that would preserve and enhance the characteristics and appearance of conservation areas.

Living conditions

13. The increase in capacity at the nursery would be significant, and the appeal site is near to existing residential property, particularly that on Bromley Grove. Whichever way future pupils would utilise the modest outdoor amenity space, which is located to the rear, the sound of children playing is likely to be noticeable even with existing pupil numbers. The increase proposed suggests that noise levels and/or noise duration would increase.
14. Noise can have significant effects on the environment and on quality of life. Exposure can have effects on sleep, cause general annoyance and can lead to chronic health effects.
15. Noise Impact assessments have been submitted in support of the proposal. However, their findings rely on noise modelling exercises and there is nothing within the assessments to indicate that any visit has been made in order to attain site specific data. Instead the reports appear to rely on remotely attained data taken at a primary school in Bridgwater.

16. The noise predictions further rely on assumptions relating to matter such as existing boundary height and density. There is nothing within the evidence to provide me with any assurance that these assumptions hold true on the ground or that the suggested conditions would sufficiently limit any adverse impact.
17. I therefore conclude that the noise assessment reports fail to provide a sufficient quantity and detail of information to satisfy me of the overall merits and disbenefits of the proposal. The evidence fails to demonstrate that the proposal would not cause harm to the living conditions of neighbouring occupiers with regard to noise and disturbance.
18. The proposal would therefore conflict with Policy 37 of the BLP and Policy 7.6 of the London Plan (2016) which amongst other things seek to protect the living conditions of the occupiers of neighbouring buildings.
19. The Council have not identified any significant detrimental impact as a result of the extension in relation to daylight, sunlight or privacy impacts on the living conditions of nearby occupiers and I have no reason to disagree.
20. While the third floor would undoubtedly form an obvious feature when viewed from the rear of nearby properties on Bromley Grove, a reasonable degree of outlook would remain attainable either side of the extension and as a result I do not consider that the proposal would have a significant detrimental impact on the outlook of the occupiers of nearby residential property.

Conclusion

21. For the reasons outlined above, the appeal should therefore be dismissed.

T J Burnham

INSPECTOR