



Appeal Decision

Site visit made on 12 May 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/G5180/W/20/3261655

Flat C, Mayfield House, 4 Kingswood Road, Shortlands BR2 0HQ

- 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 Jonathan Reich against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/02090/FULL1, dated 8 June 2020 was refused by notice dated 3 August 2020.
 - The development proposed is the formation of a roof terrace on an existing flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for formation of a roof terrace on an existing flat roof at Flat C, Mayfield House, 4 Kingswood Road, Shortlands BR2 0HQ in accordance with the terms of the application, Ref DC/20/02090/FULL1, dated 8 June 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring residential occupiers with reference to noise, disturbance and privacy.

Procedural Matters

3. Since Bromley Council's (the Council) refusal of the application Ref DC/20/02090/FULL1, the Mayor of London has adopted a new London Plan. In line with Planning Practice Guidance, my consideration of the issues of this appeal has, therefore, been on the basis of the National Planning Policy Framework (the Framework), the policies of the Bromley Local Plan (2019) (the Local Plan) and the London Plan (2021) (the London Plan). The appellant and the Council have confirmed that this is not prejudicial to their cases.

Reasons

4. The flat roof the proposal seeks to change to a roof level terrace with an associated iron balustrade railing, is located on a substantial Victorian detached villa now converted to flats. The proposed roof terrace appears to be large enough to accommodate a dining table and several chairs.

5. This villa is associated with what appear to be its original service and outbuildings that are now in residential use. It is located in area that is generally made up of other large, detached houses with good sized front and rear gardens, with generous separating distances between and many large trees that lends a spacious and verdant character to the local area.
6. The proposed terrace is only directly overlooked from the French doors providing access to it from the appeal property. Given the generous storey heights of the host building, it looks out over the roofs of the residences in the original service and outbuildings. The distance between the proposed terrace and neighbouring dwellings is substantial enough so that, when in normal domestic use, it would not result in any greater noise, disturbance and light pollution than the outside terraces and dining areas evident in the gardens of the villa and in neighbouring gardens.
7. The proposed roof terrace would result in some overlooking of the windows and garden of Mayfield Lodge, which, Given the distances involved, would be similar to that afforded by the 3 large windows located below the existing flat roof area. This would be in keeping with the level of mutual overlooking to be expected in a developed residential area of this type and would not result in an undue loss of privacy.
8. The Council has drawn my attention to a recent permission for a smaller roof terrace in the same location as the proposal. This would have an obscure glazed enclosure intended to contain noise and eliminate overlooking and would be significantly taller than the proposals open balustrade railing. This would have been considered on its own merits and I have, likewise, done the same with the proposal.
9. For the reasons given above, I find that the proposal would not result in a degree of overlooking or noise and disturbance harmful to the living conditions of neighbouring residential occupiers and, therefore, complies with Policy 37 of the Local Plan, Policy D3 of the London Plan and Paragraph 127 of the Framework, which seek to ensure that new development respects the amenity of neighbours.

Conclusion

10. The appeal is allowed.

Victor Callister

INSPECTOR