



Appeal Decision

Site visit made on 8 April 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/20/3256543
32 Anerley Park, Flat 3, London SE20 8ND

- 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 Katarzyna Jankowska against the decision of the London Borough of Bromley Council.
 - The application Ref DC/20/01704/FULL1, dated 13 May 2020, was refused by notice dated 9 July 2020.
 - The development proposed is construction of a small terrace on top of existing bay window to rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a small terrace on top of existing bay window to rear of property at 32 Anerley Park, Flat 3, London SE20 8ND in accordance with the terms of the application, Ref DC/20/01704/FULL1, dated 13 May 2020, 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.
 - 2) No construction work shall take place on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no working on Sundays or Public Holidays.

Procedural Matters

2. Since Bromley Council's (the Council) refusal of the application Ref DC/20/01704/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 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.
3. The address used for the appeal property varies between the documents submitted for this appeal, for clarity I have used the address used in both the Council's decision notice and the appellant's appeal statement.

The Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the neighbouring residential occupiers with reference to noise and privacy.

Reasons

5. The proposal is to replace the tiled roof on a 2 storey bay located at the rear of property, with a balcony type terrace and associated 1.2 metre high rendered wall with railing. This would be accessed through proposed French doors, which would replace the existing window and increase the height of the opening at the rear of the appeal property that currently overlooks the tiled roof of the bay.
6. The appeal property is located on the first floor of a 4 storey (Garden Level +3 storeys) semi-detached traditional style of town house, in a part of Anerley Park defined by similar properties, but with some later 20th century blocks of flats of similar scale.
7. The location of the proposed terrace and inward opening French doors would allow additional overlooking, compared to that afforded by the existing window. This overlooking is predominantly of the gardens associated with the flats at 32 Anerley Park (No.32), including that of the appeal property, along with the gardens of the two neighbouring properties at 34 and 30 Anerley Park.
8. Although from a higher vantage point, this additional overlooking would only be a slight increase on that from the windows in the existing two storey bays at the rear of No.32 and other neighbouring properties. Although there are no existing balconies on No.32 or on the immediately adjoining town houses, there are balconies/terraces in the local area including more restrictive Juliet balconies that have been brought to my attention by both the Council and appellant. These allow for a variety of overlooking particular to their individual location and form, especially in the case of the Juliet form of balconies. However, I find that in general these allow for similar overlooking of neighbouring gardens to that which would be afforded by the proposal. A situation that is not unusual in this and many other parts of London made up of similar properties in use as flats.
9. I find, therefore, that the additional overlooking that would result from the proposal, is of the level already evident in the local area, including from the bay windows of the town house of which the appeal property forms part. This would not be so great as to result in an adverse loss of the privacy of the occupiers of these neighbouring properties.
10. The proposed terrace would be large enough for a small table and a few chairs, however, as the proposed terrace is not in an enclosed space, I do not find that, when in normal domestic use, this would create any greater noise disturbance than that associated with the seating and dining areas to be found in the gardens of No.32 and in other adjacent and local gardens.
11. The occupiers of the flat below the appeal property have raised particular concerns regarding additional noise associated with the proposal, both during construction and when in use. Although the terrace would be above that part of the bedroom of this neighbouring property within its the bay window area, a

large part of the appellants living area is already located above this bedroom. In this regard the proposal would replicate the adjacencies of balconies to neighbouring living areas to be found in many residential properties of this type.

12. For these reasons I find that, when in normal domestic use, any noise impacts of the proposal would not be so great as to have adverse impact on the living conditions of the occupiers of the flat below.
13. The concerns raised with regard to disturbance during construction of the proposal can be dealt with through the attachment of a suitable condition limiting the times of construction.
14. For these reasons, I find that the additional overlooking and potential for noise disturbance would not result in harm to the living conditions of neighbouring residential occupiers when in normal domestic use. Consequently, the proposal conforms to guidance given in the Council's Residential Design Guidance 2004 (SPG2) and complies with Local Plan Policy 6 and 37, London Plan Policy D3 and paragraph 127 of the Framework, which collectively seek to ensure that new development, is compatible with development in the surrounding area and respects the amenity of occupiers of neighbouring buildings, including through protection from noise, disturbance and loss of privacy.

Conditions

15. As well as the standard condition regarding implementation, I have attached a condition to protect the living conditions of neighbouring residential occupiers during construction.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed, subject to the conditions as set out above.

Victor Callister

INSPECTOR