



Appeal Decision

Site Visit made on 13 October 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/G5180/W/21/3270432

Zara Spice, 12 Addington Road, West Wickham, BR4 9BS

- 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 Akhlak Hussain against the decision of London Borough of Bromley.
 - The application Ref DC/20/03744/FULL1, dated 11 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is two floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact on living conditions of neighbouring occupiers in relation to the size and siting of the extension and any nuisance arising from noise and odour emissions.

Reasons

3. The proposal relates to a mid-parade shop unit facing Addington Road. It is within a three storey terrace with two floors of residential units above accessed from a rear service road on lower ground. Both adjacent shop units prepare hot food; each has a substantial extract unit attached to the rear wall of the building discharging above eaves level. There are houses with gardens to the north of the terrace and on the opposite side of the rear service road.
4. The existing ground floor lightweight addition at the rear of the building would be replaced by a similarly modestly sized rear extension. A much deeper lower ground floor extension covering part of a parking area would be comparable in mass to garages also facing the rear service road at nos. 10, 18 and 22. The lower ground floor extension would be substantially below the upper floor units and would not affect their rear outlook. The extension would be lower than and separated from the nearest house to the north, 8 Addington Road, and from the house and garden on the opposite side of the rear service road. The size and siting of the extensions would not adversely affect residential amenity.
5. But residents may be impacted by noise and odours from the extract vent proposed on the roof of the lower ground floor extension. The low level vent indicated on the plans would discharge below dwellings on the upper floors of the terrace and would be close to the house and garden on the opposite side of the rear service road. No technical specifications have been submitted for the extract vent for assurance that no nuisance would arise.

6. The proposal would thereby be contrary to Policies 98, 119 and 121 of the Bromley Local Plan (2019) which require hot food proposals to ensure that there would be no harm or loss of amenity to nearby residents through the submission of adequate details relating to noise generation and vibration and of a ventilation system to adequately control the escape of fumes.
7. The appeal submission refers to selling pizzas. Whilst other forms of cooking may require a more robust ventilation system, there is nothing in the proposal to confirm that the lower ground floor extension would just be used for pizzas or even that the extract to be installed would be adequate for this in relation to possible nuisance from noise and odours. I acknowledge the appellant's desire to make the business more productive, but the impact on neighbours needs to be addressed in making such a change.
8. It would not be prudent to use a planning condition to approve details of an extract system following a grant of planning permission. Given the proximity of neighbouring dwellings, a low level extract, as indicated may not be feasible. A more substantive extract system, such as at nos. 10 and 14, may require air conditioning units to be relocated and ought to be the subject of a full planning application enabling all relevant details to be assessed.

Conclusion

9. The proposal would be likely to adversely impact on living conditions of neighbouring occupiers in relation to nuisance arising from noise and odour emissions. The appeal should therefore be dismissed.

Rory MacLeod

INSPECTOR