
Appeal Decision

Site visit made on 16 November 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/G5180/D/22/3302827

18 High Broom Crescent, Bromley, West Wickham BR4 0RG

- 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 & Mrs Srinivasan Kanchi against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/22/01631/FULL6 dated 18 April 2022, was refused by notice dated 15 June 2022.
 - The development proposed is demolition of existing outbuilding, replacement of existing conservatory, part garage conversion, construction of single storey side and rear extension and extension to existing side dormer and elevational alterations and part roof terrace to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The Council has set out that permission was granted under its Ref: 19/03737/FULL6 for the construction of a single storey side/rear extension, two storey side extension and elevational alterations with Juliette balconies to the rear. The current proposal seeks to regularise the works undertaken which do not accord with the approved plans and includes for a roof terrace.
3. The Council's reason for refusal is in respect of one element of the overall proposal, namely the proposed external terrace. From all the information before me, including representations from neighbours and my site visit, I have no reason to take a different view. Accordingly, the main issue in this appeal is the effect of the proposed roof terrace on the living conditions of neighbours with particular regard to overlooking and loss of privacy as well as noise and disturbance, and on the character of the area.

Reasons

4. The appeal property is a detached house on the western side of High Broom Crescent on the bend of the road resulting in it and its immediate neighbour at No 16 benefitting from wider plots than many of the surrounding properties. The properties are of a similar style and age although many have now been altered and extended, but the regular spacing between properties remains a characteristic feature of the local area.

5. The proposal would introduce a roof terrace at first floor level at the rear, over part of the ground floor extension, leading out from double doors from each of two rooms at first floor level, shown to be bedrooms. The submitted plans indicate that there would be 1.8m privacy side screens on both sides with a lower boundary treatment along the rear side.
6. The property faces to the rear onto woodland. No 16 sides onto the appeal property; the roof terrace would be set in from the edge of the roof terrace with a privacy screen to its side. Given the relationship between the two properties, as well as the proposed privacy screen, I am satisfied that there would be no material increase in overlooking and loss of privacy for these neighbours. In respect of the neighbouring property at No 20, taking into account existing views from the rear and with the erection of privacy screens as proposed as well as the inset from the common boundary with No 20, I am satisfied that there would be no material increase in overlooking and loss of privacy for these neighbours, particularly in respect of the amenity area closest to the house. There is mature planting along this boundary which helps to screen views deeper into the neighbours' garden on this side.
7. Were there no other matters of concern and planning permission were to be granted, conditions could control the details of the privacy screens, their installation and their subsequent retention to protect the living conditions of the neighbours on either side, in terms of overlooking and loss of privacy.
8. Contrary to the views of the Appellant I agree with the Council that matters relating to noise and disturbance are an integral component of the range of factors that relate to protecting the living conditions of existing and future occupiers. Policy 37 of the adopted Bromley Local Plan 2019 specifically references noise and disturbance under criterion e relating to the need to respect the amenities of neighbours in terms of the General Design of Development.
9. I acknowledge that there can be general levels of noise when rear gardens are in use and potentially even when rear windows and doors are open. However, given its elevated position at first floor and the large extent of the roof terrace, I agree with the Council's concerns that there would be the potential for increased levels of noise and disturbance from use of the roof terrace which would harm the amenities of the neighbours. I have taken into account that the roof terrace would lead out from rooms indicated to be used as bedrooms, but if granted, the permission would endure for future residents and the number of people and use of the terrace would be difficult to control.
10. I therefore consider that the roof terrace as proposed would materially harm the living conditions of the neighbours with particular regard to noise and disturbance. This would be contrary to Policy 37 of the Bromley Local Plan as well as paragraph 130 f) of the National Planning Policy Framework, both of which amongst other matters seek to protect the amenities of existing and future occupiers.
11. Whilst the use of roof terraces may not be commonplace in the immediate local area, in design terms the proposed roof terrace would be a lightweight addition at the rear of the property. In terms of its scale in relation to the size and proportions of the main house, it would be a modest addition and set in well from the sides of the property. I do not consider that it would detract from the character or appearance of the property or local area and would not therefore

conflict with Policy 37 of the Local Plan in this specific regard. However, my finding on this matter does not outweigh the harm I have already concluded.

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

L J Evans

INSPECTOR