



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: 9 December 2022

Appeal Ref: APP/G5180/D/22/3305472

28 Sandiland Crescent, Hayes, Bromley BR2 7DR

- 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 Mrs Monica Whiting against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/22/02032/FULL6 dated 19 May 2022, was refused by notice dated 22 July 2022.
 - The development proposed is hip to gable loft conversion with dormer to rear roof slope, construction of small rear roof terrace, and removal of two chimney stacks.
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Decision

1. The appeal is allowed and planning permission is granted for hip to gable loft conversion with dormer to rear roof slope, construction of small rear roof terrace, and removal of two chimney stacks at 28 Sandiland Crescent, Hayes, Bromley BR2 7DR in accordance with the terms of the application, Ref: DC/22/02032/FULL6 dated 19 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 595.100.HH.01; 595.100.HH.02; 595.100.HH.03; 595.100.HH.04 Rev A; 595.100.HH.05 Rev A; 595.100.HH.06 Rev A; 595.200.HH.01; 595.200.HH.02 Rev A and 595.1250.HH.01.
 - 4) The privacy screens as shown on approved Plans 595.100.HH.04 Rev A; 595.100.HH.05 Rev A and 595.100.HH.06 Rev A shall be installed before the first use of the roof terrace hereby permitted and shall thereafter be retained and maintained.

Preliminary Matters and Main Issue

2. Amended plans were received during the application process and my decision is based on the plans determined by the Council.
3. Although not provided to me I am advised that a certificate of lawfulness for proposed development has been granted under the Council's ref:

22/00835/PLUD for a hip to gable conversion with front rooflights and dormer to rear roof slope. At the time of my site visit, a roof dormer was largely in place with full length windows and juliette balconies to the main room facing to the rear. The Council in its statement indicates that the only unique element to the proposal before me is the proposed rear roof terrace.

4. The Council's reason for refusal is specific to the proposed roof terrace and its effect on the living conditions of neighbours. From all the information before me and my site visit, I have no reason to take a different view and the main issue in this appeal is the effect of the proposed roof terrace on the living conditions of the surrounding neighbours, with particular regard to overlooking and loss of privacy, as well as noise and disturbance.

Reasons

5. The appeal property is a detached property on the eastern side of Sandiland Crescent in a predominantly residential area. Sandiland Crescent steeply rises from north to south.
6. The proposal would provide a small roof terrace which the Council has assessed to be some 3.3 sq m in area, leading out from the main room at second floor. It would be set in from the sides of the flat roof below with 1.7m obscure glazed screens to both sides of the roof terrace and metal railings across the rear.
7. Given the elevated position of the house, and from rear facing windows at both first floor and particularly at loft level, there are already extensive views from the rear over neighbouring gardens. Given its small scale and in particular its depth I do not consider that the position would be materially affected in terms of the views from the roof terrace.
8. Nonetheless, the proposed installation of privacy screens to both sides of the terrace would assist in restricting direct views to the garden areas of the neighbouring properties, closest to their houses. The submitted plans indicate these to be 1.7m high and I consider that this would be an appropriate height to secure this objective; the Council has not commented on this specific matter.
9. I do not consider that the views already available directly to the rear would be materially altered given the very shallow depth of the roof terrace.
10. Given the very modest size of the proposed roof terrace, and the likely numbers of people that would be able to use the terrace at any one time, I am satisfied that there would be no material effect on the living conditions of neighbouring residents in terms of noise and disturbance.
11. I am therefore satisfied that there would be no material harm to the living conditions of the neighbours, with particular regard to overlooking and loss of privacy as well as noise and disturbance. There would be no conflict with Policy 37 of the Bromley Local Plan and Paragraph 130f) of the National Planning Policy Framework, both of which seek for a high quality of design which provides a high standard of amenity for existing and future occupiers.

Other Considerations

12. I have taken into account representations from neighbours, the majority of which refer to the proposed roof terrace. The addition of a modest roof terrace would not in my view lead to any material overshadowing of neighbouring properties and gardens, particularly when account is taken of its orientation in relation to surrounding properties and that it would sit atop an existing rear projection. Each proposal must be judged on its individual merits and therefore a concern that a roof terrace might set a precedent for similar proposals would not provide a sound reason for refusal.

Conditions

13. As the appeal relates to the whole dormer extension as well as the roof terrace, I agree that a condition should be imposed to require matching materials with the existing house, to respect the character and appearance of the existing property and of the local area.
14. I shall also impose a condition to require the scheme to be built in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Although the privacy screens are shown on the plans to be approved, I shall add a specific condition to require these to be installed prior to the first use of the roof terrace, and thereafter retained, in order to protect the amenities of surrounding neighbours.

Conclusion

15. For the reasons given above and having regard to all other matters raised including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR