



Appeal Decision

Site visit made on 16 April 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/G5180/D/23/3334193

36 Station Road, Penge, London SE20 7BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Edward Knight against the decision of the Council of the London Borough of Bromley.
- The application reference is DC/23/02753/FULL6.
- The development proposed is the addition of a fixed, extended-height balustrade to create a terrace area on an existing loft extension.

Decision

1. The appeal is allowed and planning permission is granted for the addition of a fixed, extended-height balustrade to create a terrace area on an existing loft extension at 36 Station Road, Penge, London SE20 7BQ in accordance with the terms of the application, Ref DC/23/02753/FULL6, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Block Plan
 - Existing floor plans – PD01
 - Existing elevations – PD02
 - Proposed floor plans – PD03
 - Proposed elevations – PD04 Rev: A
 - 3) The materials of the balustrade hereby permitted shall be as specified in the planning application form.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (“the Framework”) on 19 December 2023, replacing the September 2023 version extant at the time the application was determined. The amendments did not have any bearing on the main issue in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework.

Main Issue

3. The main issue is the effect of the proposed development on living conditions for neighbouring residents, with regard to noise and other disturbance.

Reasons

4. The appeal property is the upper flat occupying the first and second floors of a two-storey end of terrace building; the ground floor flat No 36A does not fall within the scope of the appeal scheme. It is on the south side of Station Road in a predominantly residential area, though there are a number of commercial and community buildings, and Penge East station and its car park are across the road from the appeal site.
5. The proposed development is the installation of a glazed balustrade, to allow the use of an existing area of flat roof as an external terrace at second-floor level. The terrace would measure around 3.4m by 2m; the glass balustrade would be 1.7m high in an L-shape around the eastern and southern sides of the terrace (the western side would be bounded by an existing 1.7m high masonry wall).
6. The Council's concerns about the potential for noise disturbance stem from the size of the proposed terrace, which would be large enough to accommodate a dining table and chairs, and its position at a high level, close to neighbouring properties. However, I saw on my site visit that the rear gardens surrounding the appeal site are generally very close to the rooms of neighbouring properties, as would be expected in what is a reasonably densely developed suburban area, and the proximity of the terrace to its neighbours would not be so very different.
7. The use of the terrace would be ancillary to the residential use of the appeal property, a relatively modestly-sized three bedroom flat (though at the time of my site visit the room from which the terrace would be accessed was being used as an office) which at present does not have any external amenity space. The size of the terrace would not make it capable of accommodating very large gatherings and, as well as preserving neighbours' privacy (and I note the Council did not indicate that it had any significant concerns on that point), the screening would be likely to reduce noise spill at least slightly.
8. The appellant drew my attention to an earlier appeal decision in respect of a property nearby at No 192 High Street¹ where an Inspector allowed the formation of two new roof terraces. While there may be similarities, I do not know the full details of the relationship between that property and its neighbours; my conclusion in this case has been made on the basis of the planning merits, and site-specific details, of the scheme before me. Similarly, the photograph of a rooftop terrace at No 1 Station Road provided to me does not in itself deal with the specific matters at issue in this appeal, and the existence of that terrace has not had a significant bearing on my decision.
9. The area is one where the combination of reasonably dense terraced housing, including gardens used for various purposes, the range of community uses, and the proximity of the railway station and car park, would mean that a degree of ambient noise would be expected at various times of the day, though it did not strike me as being an excessively noisy location at the time of my site visit. In the normal run of things I would not anticipate the proposed use of the roof as an external terrace to lead to an excessive or unacceptable increase in noise levels in the area.

¹ PINS Ref: APP/G5180/W/19/3220737

10. I conclude that the proposed development would not cause unacceptable harm to living conditions for neighbouring residents arising from noise or other disturbance. It would therefore comply with Policies 6 and 37 of the 2019 Bromley Local Plan which, among other things, seek to ensure that residential extensions and alterations are of a scale and form which respect or complement the host dwelling and surrounding area, and that the amenity of neighbouring occupiers is respected.

Conditions

11. In addition to the standard time limit condition (1), I have specified the approved drawings so as to provide certainty (2). In order to protect the character and appearance of the area I have also included a condition relating to the materials for the balustrade (3), though I have referred to the planning application form, where the proposed materials were specified, rather than requiring them to match the existing building as the Council suggested.

Conclusion

12. The proposed development would accord with the development plan. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector