



Appeal Decision

Site visit made on 19 September 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/G5180/W/24/3338722

77 - 79 Plaistow Grove, Bromley BR1 3PB

- 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 Daniel Alder of Greatglen Estates against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/02842/FULL1.
 - The development proposed is Conversion of existing duplex flats above no. 12 and no. 14 Plaistow Lane into 4 no self-contained studio flats. Erection of new rear roof dormer across rear roof slope of both properties to create a new studio flat within the loft. New bin and bike store in rear garden area.
-

Decision

1. The appeal is allowed and planning permission is granted for Conversion of existing duplex flats above no. 12 and no. 14 Plaistow Lane into 4 no self-contained studio flats. Erection of new rear roof dormer across rear roof slope of both properties to create a new studio flat within the loft. New bin and bike store in rear garden area at 77 - 79 Plaistow Grove, Bromley BR1 3PB in accordance with the terms of the application, Ref DC/23/02842/FULL1, subject to the conditions in the attached schedule.

Background and Main Issue

2. Since the determination of the appeal application, the Council has permitted a revised scheme¹. In light of that approval, it is agreed between the main parties that a condition to secure an assessment and mitigation from noise and odour would be appropriate. As such, the Council has confirmed that it no longer seeks to defend the second reason for refusal which relates to the living conditions for future occupants. Based on the evidence before me, I have no reason to disagree and have defined the main issue on the basis of the remaining matters in dispute.
3. In terms of the Council's first reason for refusal, it is noted from the evidence that the Council's objections relate to the effect of the proposed roof dormer. As such, the sole main issue is the effect of the proposed roof dormer on the character and appearance of the area.

Reasons

4. The appeal site comprises two terraced properties with retail units at 12-14 Plaistow Lane, with residential accommodation on the upper floors at Nos 77 and 79 Plaistow Lane. The relevant roof slope faces onto a rear service yard.

¹ 23/04579/FULL1

The surrounding area is primarily residential in character, with other retail uses focused on Plaistow Lane.

5. The relevant rear roof slope has a shallow pitch and is stepped back from the lower floors, faces the rear service yard, and beyond that, rear residential gardens. As such, whilst the roof slope is visible from public vantage points, it has very limited presence, particularly from ground floor level. In the wider area, beyond the terrace, there is a considerable variety in terms of the pitch and style of roof forms including various examples of dormer windows.
6. The proposed dormer would be as set down in height from the existing ridge line. Whilst it extends beyond the existing roof profile, this is of limited consequence as it would be by a minor degree and would be well set back from the facing elevation beneath. There are no other examples of roof dormers within the terrace, however, given the set back and appropriate scale of the proposal, this would not unduly detract from the appearance and rhythm of the roofscape. Consequently, it would sit comfortably within the wider roofscape.
7. The proposed fenestration within the dormer has a different pattern/size to that at the lower floors. Nonetheless, given the set back and limited presence of the dormer, this variety would not result in any visual harm.
8. Given the above factors, I find the proposed roof dormer would be acceptable in terms of the character and appearance of the area. The proposal would therefore accord with Policies 4 and 37 of the Bromley Local Plan (2019), and Policy D3 of the London Plan (2021). These policies, insofar as relevant and amongst other matters, require that development is of a high quality, respond to local distinctiveness and respect important views.
9. The proposal would also accord with the requirements of the Framework, insofar as it requires development to be visually attractive and sympathetic to local character.

Other Matters

10. In addition to the main issues above, I have had regard to the other concerns raised by third parties. These include adverse effects from additional traffic, disruption to neighbouring businesses and restrictions on access caused by the proposed cycle store.
11. The additional traffic resulting from a modest increase in dwellings would be likely to be very limited. Conditions would be imposed to manage the construction process, and to control details such as bicycle parking arrangements. Whilst there would inevitably be an element of disruption from the construction process, there is no evidence to suggest this could not be suitably managed through conditions. Given these factors, I have no reason to disagree with the Council who found the proposal acceptable in terms of traffic impacts, cycle parking and the effect on living conditions.
12. There is no indication that the proposed flats would be for short-term letting purposes and the details provided with the appeal show the flats would be in Class C3 (residential) use.
13. The proposed windows would allow for views towards gardens to the rear of the appeal site. These views would be relatively long distance, with the

gardens separated from the appeal site by the rear service yard and garage buildings. Due to the stepped rear elevation, the proposed windows would be further away from the residential gardens than existing windows at first floor level. Given these factors, I am not persuaded that there would be any harmful loss of privacy, compared with the existing position.

14. The existing management of the appeal property is not relevant to the proposal before me. However, conditions would be imposed in respect of the management of the construction process as well as details of waste and refuse storage.

Conditions

15. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Planning Practice Guidance (PPG) and the Framework. I have edited some of the suggested conditions for clarity and enforceability. A time limit and a plan numbers condition are necessary in the interests of clarity.
16. I have imposed a condition to secure a Construction and Environmental Management Plan (CEMP). As this relates to the construction process, it requires the submission of details prior to the commencement of development. The CEMP is necessary in the interests of highway safety and the living conditions of neighbouring occupiers and businesses.
17. Conditions to secure details of refuse and bicycle storage are required in the interests of the visual amenities of the area and to promote sustainable travel. A scheme to manage the effects from noise and odour on future occupants is required to ensure appropriate living conditions for future occupiers, having regard to the close proximity of the appeal site to commercial premises.
18. A condition limiting emissions from gas boilers is necessary to limit the effect of the development on the Air Quality Management Area, in accordance with the development plan.
19. The Council has recommended a condition to restrict the ability of future occupiers to apply for a resident's parking permit. In the absence of any substantive evidence indicating a high level of parking stress or capacity issues within the CPZ, there is no evidence to indicate that such a restriction would be necessary to comply with the development plan, particularly given the negligible increase in car ownership. Therefore, I have not imposed the condition.

Conclusion

20. The proposal accords with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, the appeal is therefore allowed.

R Lawrence

INSPECTOR

Schedule of 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 drawing nos PR-L001 Rev C, PR-L002 Rev C, PR-E001 Rev A, PR-E002 Rev A, PR-3D Rev A, PR-E004 Rev A, PR-3D1 Rev A, PR-E003 Rev A, PR-P002 Rev B, PR-S001 Rev A, PR-P001 Rev A and PR-P003 Rev A.
- 3) No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum the plan shall cover:
 - a) Dust mitigation and management measures.
 - b) The location and operation of plant and wheel washing facilities.
 - c) Measures to reduce demolition and construction noise.
 - d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following: -
 - a. Rationalise travel and traffic routes to and from the site as well as within the site.
 - b. Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - c. Measures to deal with safe pedestrian movement.
 - d. Full contact details of the site and project manager responsible for day-to-day management of the works.
 - e. Parking for operatives during construction period.
 - f. A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation.

The construction shall be undertaken in full accordance with the approved details.

- 4) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.

The approved details shall be completed prior to the first occupation of any dwelling hereby permitted, and permanently retained thereafter.
- 5) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works. The cycle storage must have capacity for 4 bicycles.

The approved details shall be completed prior to the first occupation of any dwelling hereby permitted, and permanently retained thereafter.

- 6) Prior to any works above slab level, a scheme for protecting the proposed dwellings from noise and odour, emanating from the commercial units below, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the first occupation of any dwelling hereby permitted, and permanently retained thereafter.
- 7) In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of >40mg/kWh.