
Appeal Decision

Site visit made on 20 December 2024

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **31 DECEMBER 2024**

Appeal Ref: APP/G5180/W/24/3347195

80 Flat Above, Elmers End Road, Penge, Bromley, London SE20 7UX

- 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 K Vinotharan, Mayfair Property Deals Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/04667/FULL1.
 - The development proposed is Installation of balcony with obscure glazed screen and obscured glazed screen to rear dormer extension. Fenestration alterations.
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Decision

1. The appeal is allowed and planning permission is granted for installation of balcony with obscure glazed screen and obscured glazed screen to rear dormer extension. Fenestration alterations at 80 Flat Above, Elmers End Road, Penge, Bromley, London SE20 7UX in accordance with the terms of the application, Ref DC/23/04667/FULL1, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. The Council changed the description of the proposed development to that shown in the banner heading above. This is a generally accurate description of the development proposed which I have therefore used in this Decision.
3. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise.

Reasons

Character and appearance

5. The appeal property is a mid-terrace property containing a ground floor commercial unit, and a residential unit across the upper floors. Planning

permission¹ has been recently approved for a loft conversion with rear L shape dormer with Juliet balcony. The appeal proposal would be a similar design to the previously approved dormer, however it would also include an additional balcony area enclosed by obscure glazing.

6. The terrace's rear roofscape is varied with a mixture of differing rear projection depths, roof heights, and roof forms which include flat roof and pitched elements. There is also a mix of different fenestration styles and materials including yellow and brown brickwork and elevations with render. The appeal site is therefore viewed within a context comprising a mixture of roof forms, alongside other alterations which add to the variety of the area.
7. The proposal would be clearly visible within public views along Marlow Road to the south and in some private views from properties at 3-15 Marlow Road. However, it would be viewed in the context of an already varied roofscape. Whilst there are no other examples of balconies within the immediate streetscene, the balcony's floor area would be small, and it would not project further to the rear than the adjoining rear projection at 78 Elmers End Road. The increase in bulk from the balcony and its glazed enclosure would therefore be modest, and it would not appear as an overly prominent feature within the streetscene.
8. The balcony's glazing would be contemporary. However, it would add to and complement the mixture of materials on display within the terrace. Furthermore, contemporary materials and historic properties are not inherently inimical. In this instance the former, whilst identifying the proposals as modern additions, would sit comfortably relative to the latter.
9. In this regard the materials would successfully assimilate with the built context, and I note that Paragraph 135 of the Framework states that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
10. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would therefore comply with the design, character and appearance requirements of Policy D4 of the London Plan (2021) and Policies 6 and 37 of the Bromley Local Plan (2019) (BLP) which require that development has a high standard of design which responds positively to the existing townscape, character and context.

Noise

11. The main parties agree that the proposal would create limited useable outdoor space, which could accommodate a small table and chairs. Consequently, it seems to me, unlikely that the outdoor space would be used by more than two or three people at one time.
12. Whilst there are adjoining residential units within the upper floors of both 82 and 78 Elmers End Road, it is not uncommon to find roof terraces or gardens in close proximity to neighbouring properties in urban areas. Given the small size of the outdoor area, there is nothing to indicate that residents would behave in an anti-social manner or generate significant amounts of noise whilst using the area.

¹ Council reference: 23/00036/FULL1

Therefore, I do not find that this increase of noise and activity would be so intense as to significantly disturb the neighbouring occupiers.

13. I conclude that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, with particular reference to noise. The proposal would therefore comply with Policy 37 of the BLP. Amongst other things, the policy requires that development respects the amenity of occupiers of neighbouring buildings, providing healthy environments and ensuring they are not harmed by noise and disturbance.
14. The Council also alleges a conflict with Policy 6 of the BLP and Policy D4 of the LP with regards to this matter. However, my attention has not been drawn to any words in the policies which are relevant to this issue. The policies have therefore not been determinative in my decision.

Other Matters

15. An interested party has raised concerns about the potential for smokers using the balcony near to the adjoining bedroom windows within 82 Elmers End Road (No. 82). However, given the separation distance between the location of the balcony and the nearest residential windows within No. 82, I do not find harm to the living conditions of neighbouring occupiers.

Conditions

16. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
17. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty. To maintain and enhance local character, I have included a condition related to external materials.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AD/22/ELM 80A/PL01 Page 5 of 5; AD/22/ELM 80A/PL01 Page 1 of 5; AD/22/ELM 80A/PL01 Page 2 of 5; AD/22/ELM 80A/PL01 Page 3 of 5.
- 3) Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

END OF SCHEDULE