

Appeal Decision

Site visit made on 13 September 2016

by Ray Wright BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/E5330/D/16/3154359

23 Fingal Street, Greenwich, London SE10 0JL

- 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 J Friedler against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 16/1233/F was refused by notice dated 17 June 2016.
 - The development proposed is 'single storey side rear extension to enlarge existing kitchen space.'
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 23 Fingal Street, Greenwich, London SE10 0JL in accordance with the terms of the application, Ref 16/1233/F, dated 19 April 2016, 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: P 102, P 103A, P 104A, P 105A, P 106A, and P 107A.
 - 3) 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.

Procedural Matter

2. Although the Council's decision letter refers to the impact on no 29 Fingal Street, as highlighted by the appellant, the adjoining property is no 21 Fingal Street and I have considered the appeal on this basis.

Main issues

3. The main issues in this case are the effect on the character and appearance of the host property and the effect on living conditions of adjoining occupiers, having particular regard to enclosure and overlooking of no 21 Fingal Street.
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Reasons

4. The appeal property is a two storey terraced house. The properties in this part of the road follow a similar pattern with, to the rear, two storey wings which adjoin and link with their neighbour leaving gaps between alternate pairs of dwellings. These gaps provide light wells to rear and side facing windows within the properties. A number of properties have had rear dormer windows added within their roof space.
5. The appeal scheme proposes an infill of the side open area to provide an enlarged kitchen. Above this flat roofed addition it is proposed to provide a window seat extension to the living room at the property.

Character and Appearance

6. The National Planning Policy Framework (Framework) indicates that there should be a presumption in favour of sustainable development. The Framework, however, confirms that good design is a key aspect of sustainable development. Policies 7.4 and 7.6 of the London Plan 2015, as amended, (LP) and Policies DH1 and DH(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014(CS) similarly require a high quality of design which respects the existing character of properties and the wider area.
7. The existing kitchen has a lower floor level than the ground floor of the main dwelling. This would be followed by the proposed extension which would help reduce its perceived scale. The Council indicates that a single storey rear extension of 3.6 metres would normally be acceptable. The appeal scheme would be to a depth of around 5.0 metres from the main rear wall of the property to align with the existing end wall of the kitchen. However, it would have a restricted width of approximately 1.6 metres and rise to a flat roof generally limited to a height of 2.8 metres. It would, therefore, not unduly affect the original form of the dwelling and the proposed flat roof would not be a dominant feature. The window seat would project forward of the existing rear facing living room window, but would have a very limited size, and would not significantly affect the overall scale of the extension.
8. In this form and position the extension would principally only be seen by occupiers of the immediately adjoining property and would not be readily visible from any public view points. It would have limited impact on the overall appearance of the rear of the dwelling and would 'not over power the main building' in compliance with the Council's advice note 'Planning Guidance for home extensions' 2004 (SPG). To my mind, it would reasonably relate to the existing building and not represent an overly prominent or incongruous addition.
9. I conclude that the extension in the form proposed would not cause undue harm to the character or appearance of the host property. As such, I find no conflict with the Framework, Policies 7.4 or 7.6 of the LP, or Policies DH1 or DH(a) of the CS or SPG.

Living Conditions

10. One of the principles of the Framework is to seek a good standard of amenity for all existing occupiers of buildings. Similarly, Policy DH(b) of the CS and SPG indicate permission will only be granted for extensions where the proposals would not cause an unacceptable loss of amenity.

11. The two properties are currently divided by a low timber panel fence. The extension, as proposed on this boundary, would inevitably create greater enclosure to the rear of no 21. However, while there are three side windows to the neighbours rear wing, one is obscured glazed and appears to serve a toilet addition and the other two appear to be secondary windows to a kitchen which also has glazed doors to the rear garden area, so that the effect would be limited. Due to the different floor levels, the main part of the extension would rise to around half the height of the rear facing living room window of the adjoining property. The proposed window seat would be above this but with a depth of around 0.6 metres this element would only be in view at an angle from this neighbouring window. The side wall of the extension would not, in consequence, be overly intrusive.
12. There are currently clear views over the adjoining occupiers' side courtyard and oblique views of the side windows to the property's rear wing from the rear living room window of the appeal property. The introduction of a window seat, as proposed, would not provide significantly different views. I appreciate by its nature it could tend to encourage more activity in this area than currently occurs, but I do not consider the likely impact with regard to any overlooking to be significant.
13. I conclude that the extension would not be materially harmful to the living conditions of adjoining occupiers and as such is not contrary to the Framework, Policy DH(b) of the CS or SPG.

Other Matter

14. I have been referred to a similar extension to the appeal proposal at no 29 Fingal Street, where the Council have recently granted planning permission and have been provided with the decision and approved drawings. The schemes do appear very similar in terms of form and dimensions, save for the different orientations of the properties and the window seat proposed within this appeal. However, I do not have full information of the Council's assessment of this neighbouring development and, in any event I have considered the appeal proposal on its individual merits.

Conditions

15. I have considered the conditions suggested by the Council should the appeal succeed against the advice in Planning Practice Guidance and for clarity. The standard commencement condition is required, as is a condition referring to the relevant plans, for the avoidance of doubt and in the interests of proper planning. To fully integrate the alterations with the existing house, it is important that suitable matching external finishes are used. Therefore, a condition requiring proposed external materials to match the existing is reasonable and necessary.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Ray Wright

INSPECTOR