

## Appeal Decision

Site visit made on 10 October 2016

**by C L Humphrey BA (Hons) DipTP MRTPI**

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

**Decision date: 24<sup>th</sup> October 2016**

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**Appeal Ref: APP/N5660/D/16/3154746**  
**26 Chapel Road, London SE27 0TY**

- 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 Toby Cutler against the decision of the Council of the London Borough of Lambeth.
  - The application Ref 16/02039/FUL, dated 1 April 2016, was refused by notice dated 26 May 2016.
  - The development proposed is a rear two storey extension to residential terraced house.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development upon the character and appearance of the appeal property and the surrounding area, and the living conditions of the occupants of the adjoining property at 28 Chapel Road with particular regard to outlook and light.

### Reasons

#### *Character and appearance*

3. The appeal proposal would infill the space between the existing 2 storey rear addition and the eastern boundary of the appeal site.
  4. The proposed extension would be constructed in matching brick and would be set back slightly from the rear elevation of the existing rear addition. However, it would infill the majority of the side return that is characteristic of the appeal property and many of the houses in the surrounding area. The proposed parapet would finish above the existing eaves line, and so would not appear subordinate to the existing house. Furthermore, the proposed flat roof would not reflect the pitched roofs above the main house and the rear addition, and the fairly square proportions of the proposed windows and french doors would be out of keeping with the vertical emphasis of the existing fenestration. In these ways, the proposed rear extension would appear as a disproportionate and incongruous feature.
  5. The appellant makes the case that the appeal proposal would be to the rear of the property and would thereby respect the original street frontage and not be publicly visible. Nevertheless, the proposed extension would be clearly visible from the rear gardens and windows of neighbouring properties.
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6. For the reasons set out above, the appeal proposal would have a harmful effect upon the character and appearance of the appeal property and the surrounding area. As such, the proposed development would be contrary to the design aims of Policies Q8 and Q11 of the London Borough of Lambeth Local Plan (Local Plan) and the Supplementary Planning Document Building Alterations and Extensions.

#### *Living conditions*

7. The proposed development would be 2 storeys high and would have a substantial projection along the boundary with the adjoining property at No 28. There is a first floor window in the main rear elevation of the adjoining property, which is positioned close to the common boundary. The appeal proposal would be sited adjacent to an external area in the side return of No 28, which forms part of the outdoor amenity space serving this property.
8. Due to its siting, height and projection, the proposed development would have a dominant and overbearing effect upon outlook from the rear of No 28 and would give rise to a greater sense of enclosure within the back garden of this house. The appeal proposal would be positioned to the west of the adjoining property and its siting and orientation, in combination with the significant height and projection of development along the boundary, would result in a loss of light to the rear of No 28.
9. I note that the neighbours at No 28 did not raise any objections to the proposed development. However, the absence of objection does not render the appeal proposal acceptable and I must also take into account the living conditions of future occupants of the property.
10. For the reasons set out above, the appeal proposal would have a harmful effect upon the living conditions of the occupants of the adjoining property at 28 Chapel Road with particular regard to outlook and light. As such, the proposed development would be contrary to the amenity protection aims of Policy Q2 of the Local Plan.

#### *Other matters*

11. I note the appellant's concerns regarding the current state of repair and energy efficiency of the appeal property. However, these matters do not justify the harm that would result from the proposed development, particularly given that there is no reason to believe that they could not be reasonably resolved via other more sympathetic means.
12. I have had regard to the benefit of providing additional accommodation within this family home. However, that does not outweigh the harm I have identified.

#### **Conclusion**

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*C L Humphrey*

INSPECTOR