
Appeal Decision

Site visit made on 8 November 2016

by Andy Harwood CMS MSc MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/N5660/D/16/3158850
16 Mount Ephraim Road, London SW16 1NG

- 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 Abdul Karim against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/02172/FUL, dated 4 April 2016, was refused by notice dated 20 July 2016.
 - The development proposed is retrospective planning for the erection of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 16 Mount Ephraim Road, London SW16 1NG in accordance with the terms of the application, Ref 16/02172/FUL, dated 4 April 2016, unconditionally.

Procedural Matters

2. There remain some ambiguities regarding the dimensions of the extension as shown on the revised plans considered by the Council. However, it is clear what is proposed particularly as the extension already exists. I will consider the proposal on the basis of what I saw on site assisted by the revised plans. Furthermore, an outhouse is shown that has been constructed but which is not part of this proposal and I will not consider that building in this appeal.
3. The submitted elevations do not represent the adjoining property at No 18 accurately but I could see the form of that dwelling for myself.

Main Issues

4. The first main issue is the effect of the proposal upon the living conditions of the occupiers at Nos 14 and 18 Mount Ephraim Road with respect to light, outlook and privacy. The second is the effect of the proposals upon the character and appearance of the site and surrounding area.

Reasons

Living conditions

5. The extension is a large lean-to structure which adjoins the back of the dwelling just under the sill level of the first floor windows. At that point it is therefore 3.92m high and it slopes down over the 6.1m depth to 3.07m at its
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- eaves level. This substantial structure is rendered and painted a light colour.
6. The extension is positioned on the boundary with No 18 with only a low fence between it and the patio at the rear of that neighbouring dwelling. The highest part of the wall encloses a small part of the patio. It reduces the amount of sky that can be seen when close to it. However this is over a short section of the side wall of the extension. That impact is limited to a small area which is already behind the outbuilding close to the back of No 18. The patio area is of substantial size and opens up along the back of that dwelling. There is a spacious, pleasant garden beyond the patio. Any loss of outlook from close to the extension would be of very limited impact on the enjoyment of the external areas of No 18 in my opinion.
 7. A kitchen window within the rear of No 18 is the closest window to the development. The extension cuts across a small part of the general outlook from that window. When I looked out, the extension was noticeable when I faced towards the boundary. The extension did not obscure a large proportion of the general visible scene from that or other ground floor windows. What I saw did not lead me to feel hemmed in or enclosed by the development when in the kitchen of No 18.
 8. The extension is off-set from the boundary with No 14 by the width of a path and there is also a substantial boundary wall between the site and that neighbouring dwelling. The high blank wall of the extension stands up much higher than the boundary wall. There is some enclosing effect upon the occupants of that dwelling when within the garden area but again I do not consider that this would have a significantly adverse impact.
 9. There are no windows within the side of the extension facing either of the neighbouring dwellings. The extension interrupts views from the first floor windows at the appeal site across to both neighbouring gardens. It therefore secures a marginal degree of further privacy within the adjoining rear gardens.
 10. The Council states that the extension would not adversely affect the amount of daylight reaching the adjoining dwellings. I have no evidence to lead me to a contrary view. In terms of any direct sunlight, the extension is to the east of No 18. There may be some additional overshadowing caused within the rear garden of No 18 but I have not been given evidence on this point. It seems to me that the path of the sun will be behind the large dwelling for most of the day rather than sunlight being interrupted by the extension.
 11. The proposal does not have a harmful impact upon the living conditions of the occupiers at Nos 14 and 18 Mount Ephraim Road. The development complies with Policy Q2 of the Lambeth Local Plan¹ (LP) and with what the Council's SPD² seeks to achieve. The National Planning Policy Framework requires a good standard of amenity for all existing and future occupiers of land and buildings. That requirement is also met.

Character and appearance

12. The existing dwelling is large and is within a row of similar dwellings in spacious grounds. The garden at the appeal site is particularly large as it wraps around the much smaller garden of No 14. Various extensions have

¹ Lambeth Local Plan, adopted September 2015

² Building Alterations and Extensions, Supplementary Planning Document, September 2015

been constructed at the backs of other dwellings that I could see from the appeal site. These other extensions are of varied designs with little unity between the modern additions.

13. It would appear that originally, a small lean-to existed on the rear of the dwelling as there is a remnant of this that has been subsumed but is still visible within the side walls of the extension. Other properties, including No 14 and No 18 have similarly short existing lean-to elements.
14. This extension appears to be deeper than some of the other permitted extensions in the area. However, the upper floors of the property are clear to see and given the large size of the dwelling, it can visually accommodate the extension without it dominating, overwhelming or appearing disproportionate to the overall building. The proposal would not undermine the local distinctiveness of the area.
15. In relation to the second main issue, the proposal would have an acceptable effect upon the character and appearance of the site and surrounding area. This would comply with LP Policies Q5 and Q11 and the SPD.

Other Matters

16. The development has already been completed. There is no necessity for conditions limiting the life of the planning permission, the materials used or requiring compliance with the plans.
17. I am aware that there has been a dispute over land ownership and how this was certified within the planning application. This is not a matter that affects the merits of the proposal. Party wall legislation has also been referred to but that is for consideration outside of these planning appeal procedures.

Conclusion

18. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

Andy Harwood

INSPECTOR