

Appeal Decision

Site visit made on 9 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 17th November 2016

Appeal Ref: APP/A5840/W/16/3156872

107B Evelina Road, Southwark, London SE15 3HB

- 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 G Grimwood against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/0083, dated 9 January 2016, was refused by notice dated 16 March 2016.
 - The development proposed is the erection of an L-shaped dormer roof extension and first floor level single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an L-shaped dormer roof extension and first floor level single storey rear extension at 107B Evelina Road, Southwark, London SE15 3HB in accordance with the terms of the application, Ref 16/AP/0083, dated 9 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: 1274 P2 B, 1274 P3 B and 1274 P4.

Procedural Matter

2. I have taken the description of development as it appears on the appeal form which, whilst differing from that shown on the planning application form, most accurately describes the development to which this appeal relates. It is clear that both parties are content with this approach since the same description appears on the Council's decision notice.
3. The appellant has submitted a privately commissioned daylight and sunlight assessment with their appeal which was not part of the documentation submitted with the planning application. The document was submitted with the appeal at an early stage and the Council have made comment on its findings. Accepting it as part of the appellant's evidence in the determination of this appeal therefore would not be prejudicial to either party.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of Numbers 105 and 109 Evelina Road.
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Reasons

5. The appeal site is made up of a two storey terraced dwelling which has been sub divided into two flats, one on the ground floor and one on the first. The proposed development would be made up of two distinct elements; one would be a projection at first floor level above an existing single storey extension and the other an extension to the roof in the form of a dormer. Both extensions would be to the rear of the existing dwelling.
6. Whilst being concerned of the cumulative effect of both elements of the proposed development on the living conditions of the occupiers of No 109 particularly, the Council's has no objections to the proposed L-shaped dormer in isolation. I have no reason to reach a different conclusion on this but shall return to address cumulative effect later.

105 Evelina Road

7. The proposed first floor extension would project rearwards directly adjacent a first floor bedroom window in the rear of No 105. Whilst I accept that the extended section of first floor would be visible from this window, the sunlight into it is already affected by the extent of the appeal building's existing first floor rear projection which is more than marginally beyond the wall plate in which the window is located. As such, it already experiences noticeable shadowing.
8. In the context of the amount of additional projection that would be added by the proposed first floor extension, the resulting shadowing effect to the window concerned would not in my view be materially worse than the existing situation.
9. I note the location of the flank wall of the two storey building which makes up No 103 and together with the proposed first floor extension it would have a limited degree of enclosing effect on the bedroom window to No 105. However, it is a sufficient distance away for such an effect to not be adverse when also considered in the context of the existing situation.

109 Evelina Road

10. The outlook from the ground floor windows in the rear elevation of the main body of No 109 and the same in the outrigger that face No 107 are already affected, significantly in my view, by their proximity to other walls of at least two storeys in height at right angles as well as on parallel and opposite planes. This is both from the appeal building, plus its extensions, and No 109 itself.
11. Whilst I acknowledge that the proposed first floor projection and the dormer would add height and bulk overall, given the degree of enclosure and limited outlook that these windows already experience I am unable to conclude that the situation would be made any materially worse by the proposed development.
12. The proposed first floor extension would be sited further away from the windows concerned than the existing built form which makes up No 107. For this reason as well as the fact that it would contribute a contextually small amount of additional volume and be physically separated from the proposed dormer, there would be no adverse effect on No 109 when the proposed first floor extension is considered alongside the dormer element.

13. I note the findings of the appellant's daylight and sunlight assessment. However, the determining factor in this appeal is that the proposed development would not cause harm to the living conditions of the occupiers of either 105 or 109 Evelina Road, due to the proximity and effect of existing built form. The proposed development would not therefore conflict with Saved Policy 3.2 of the Local Plan¹, Strategic Policy 13 of the Core Strategy² or the guidance set out by the 2015 update to the RDS SPD³.
14. These Policies and additional guidance seek to ensure that, along with one of the core principles of the Framework⁴, new development should meet high environmental standards and does not harm the amenities of existing or future occupiers of neighbouring land or buildings.

Conditions

15. For certainty I have specified the approved plans as well as imposing the standard time condition. Since the approved plans also set out the schedule of external materials which are considered to be acceptable, a further condition requiring materials to be as per the approved plans and details would be superfluous.

Conclusion

16. For the reasons and subject to the conditions set out above, I allow the appeal.

John Morrison

INSPECTOR

¹ The Southwark Plan 2007

² Southwark Council Core Strategy 2011

³ 2015 Technical Update to the Residential Design Standards Supplementary Planning Document 2011

⁴ The National Planning Policy Framework 2012