

Appeal Decision

Site visit made on 9 November 2016

by G Powys Jones MSc FRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/N5660/D/16/3157246

21 Amesbury Avenue, London, SW2 3AE

- 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 Ms Jackie Nunns against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/02626/FUL, dated 22 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is the erection of a single storey ground floor rear/side extension and removal of redundant rear chimney stack.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey ground floor rear/side extension and removal of redundant rear chimney stack at 21 Amesbury Avenue, London, SW2 3AE in accordance with the terms of the application Ref 16/02626/FUL, dated 22 April 2016, subject to the conditions set out in the attached Schedule.

Preliminary & procedural matters

2. The property is located within the Leigham Court Estate Conservation Area (CA).
3. Pursuant to the receipt of comments made by the Council's Conservation Officer, amendments were made to the drawings. Judging from the conclusion to the officer report and sole reason for refusal, it appears that the Council is satisfied with the revised design and appearance of the proposal.
4. I have no reason to disagree, and consider that the proposal, particularly given its very sheltered, screened location would have no impact on the public realm and no material effect on the character or appearance of the CA, which would therefore be preserved.
5. Given the amendments made to the drawings during the course of the determination I consider that the description of the proposal in the Council's decision letter is more accurate than that provided in the application form. I have therefore adopted the latter description.
6. Pursuant to a request by the Council, arrangements had been made for me to assess the proposal from within the neighbouring property, 19 Amesbury Avenue. However, no-one was at home when I called. I am satisfied, however, that I could see everything that I needed to see from the appeal site and beyond to arrive at a decision.

Main issue

7. The main issue is the effect of the proposed development on the living conditions of the residents of 19 Amesbury Avenue with particular reference to outlook, sense of enclosure, daylight & sunlight.

Reasons

8. The appeal dwelling is situated within a lengthy terrace, and adjoins Nos. 19 & 23 Amesbury Avenue. No 23's living conditions would not be affected by the proposal, and the Council's concerns centre solely on No 19. The appeal property and No 19 share common characteristics in that they both have two-storey rear protrusions, being subordinate to the main structure facing the highway.
9. The space between the rear protrusions takes the form of a well, approximately 3m wide and over 7m long. A fence demarcates the respective ownerships, and the appeal property also displays a lean-to structure resting on the side elevation of the two-storey rear protrusion. Paths in the well lead to modestly sized rear gardens. The proposed development would, in effect, fill almost half the well, with a plain wall replacing the fence and lean-to along the common boundary at a height at around 3m.
10. Policy Q2 of the Lambeth Local Plan (LP) contains fairly detailed guidance on the amenity criteria to be taken into account in assessing development proposals.
11. The Council says that *'in the absence of a BRE compliant daylight and sunlight assessment, the applicant has failed to demonstrate that the proposed extension would not unduly impact on the daylight and sunlight levels received'* by No 19 Amesbury Avenue. I note that the Council did not request such an assessment of the applicant at application stage.
12. It seems to me however that the effects of the development, if any, would be limited to 3 ground floor openings being a window and partly glazed door set well within the well, in the side elevation of No 19's rear protrusion, and a ground floor window in the rear elevation.
13. The well's mouth faces directly northwards, and given the height of the walls forming the well, it is extremely doubtful whether the openings described above currently receive any direct sunlight. The proposed extension, given the height of the extant walls to which it would be attached, would not cast a shadow on the openings concerned. There would therefore be no loss of direct sunlight to the rooms served by the openings. Day-lighting level within the well are already gloomy, and, given the height of the extant walls surrounding the well, the proposed extension would not in my opinion make matters materially worse.
14. All the glazing in No 19's ground floor openings, bar the upper panels in the rear elevation window, appear to be obscurely glazed. Accordingly, given the relatively low eaves height of the extension, the outlook from within No 19 would not be materially made worse, even if the windows served habitable rooms.
15. The extension would be plainly seen from outside, from the adjacent path, and I share to an extent the Council's concerns that the development may appear dominant when standing next to it on the path. It would lead to an increased sense of enclosure. However, this disadvantage would be outweighed by the

visual benefit gained in the removal of the rather unsightly and rickety lean-to; moreover, the path leads to the rear garden, from where the extension would not be perceived as dominating.

16. I conclude that the proposed extension would not give rise to any overriding harmful consequences to the living conditions of the residents of 19 Amesbury Avenue. Accordingly, I find no material conflict with those provisions of LP policy Q2 directed to ensuring that daylight, sunlight and outlook of neighbouring residents are not harmed by development, or affected by an undue sense of enclosure. Whilst not decisive in my considerations, I attribute some weight to the fact that No 19's residents did not object when consulted on the proposal.

Conditions

17. In the interests of visual amenity, the Council's suggested condition relating to materials is imposed.
18. Otherwise than as set out in this decision and conditions, it is necessary in the interests of certainty that the development shall be carried out in accordance with the approved plans.

Other matters

19. All other matters raised in the representations have been taken into account, including the appellant's references to what are regarded as several similar proposals granted permission by the Council in this and nearby streets. Since I have not been acquainted with the full details of the cases referred to, they attract little weight. No other matter is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. 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.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: The OS location plan and Drawing Reference Nos. 001; 002; 003; 004; 005; 101 REV A; 102 REV A; 103 REV A; 104 REV A & 105 REV A.