

Appeal Decision

Site visit made on 7 November 2016

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 30th November 2016

Appeal Ref: APP/C5690/W/16/3157637

Rear of 54 College Park Close, London, SE13 5HA

- 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 Entecott Holdings Ltd against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/15/094721, dated 4 December 2015, was refused by notice dated 29 April 2016.
 - The development proposed is erection of a pair of brick-built domestic garages/garden stores.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a pair of brick-built domestic garages/garden stores at the rear of 54 College Park Close, London, SE13 5HA in accordance with the terms of application Ref: DC/15/094721, dated 4 December 2015 and 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: Proposed Plan and Elevation Dwg. No. 6 dated Nov 2015; Location Plan, scale 1:1250.

Main Issues

2. The main issue in this case is the effect of the development on the character and appearance of the host building and, linked to that, the effect of the proposal on the living conditions of the adjoining residents with particular regard to outlook.

Reasons

3. No 54 College Park Close is a substantial three-storey, detached building currently in use as 4 flats. It has two vehicular access points from the highway, one of which serves a parking space at the front of the building, the other serves an access which extends along the side of the building and leads to the rear garden area. Part of that area is fenced off to provide private outdoor space for one of the flats and the remaining area, which contains a collection of small outbuildings, is shared by the other residents.
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4. The proposal is to demolish the existing structures and to construct a detached outbuilding which would accommodate two garages and two garden stores. It would be constructed in brick with a felt covered flat roof and would have two sets of timber doors. The structure would be located directly behind the existing building and would not therefore have an impact on the street scene.
5. It is not unusual for large outbuildings to be present at the rear of domestic properties. Indeed there is a substantial detached structure at the rear of the adjacent property No 52 College Park Close, which appears to be garaging. Moreover, the Town and County Planning (General Permitted Development) (England) Order 2015, permits sizeable outbuildings in certain circumstances without the need for planning permission. Although the appeal building is in use as flats, and therefore the proposal does not constitute permitted development, such outbuildings are not uncommon in a residential environment.
6. I acknowledge the Council's concern that at 8.60m wide x 9.10m deep, the outbuilding would be a sizeable structure. Nevertheless, the garden of No 54 is large and the outbuilding would occupy less than half of it. Moreover at 3m in height, the building would be considerably lower than the host building and would be of a smaller scale. In addition the design and character of the building would be simple and domestic, reflecting its ancillary function. Accordingly, the garages would be both visually and functionally subservient to the host property. The central position of the building would enable vegetation to be retained or planted at the sides, which would soften its visual impact.
7. In many domestic situations, there is a degree of overlooking of neighbouring gardens from upper floor windows. In this case the garages would be partially visible from the upper floor windows of the adjoining properties. However, views of the outbuilding would be oblique and from a distance. Moreover, the outbuilding would have a subservient rather than dominating character and, constructed in materials to match the existing property, would not be visually incongruous. Therefore, whilst I accept the Council's view that the development would change the presently open character of the rear garden, it would not be so harmful to the outlook from neighbouring properties that would result in a reduction in the quality of the resident's living conditions.
8. The Council accepts that the proposal would not restrict daylight or sunlight or cause noise or light spill, or otherwise harm the living conditions of the adjoining residents. I have no reason to disagree. Whilst the top of the outbuilding may be visible from within the gardens of the adjoining properties, given that it would be set away from the common boundaries it would not harm the enjoyment of the neighbours' garden areas.
9. Consequently the proposal would respect the character and appearance of the host dwelling, and would not unduly affect the outlook from the adjoining residential properties. Accordingly the proposal is in accordance with the requirements of Policy 15 of the adopted Core Strategy 2011 and DM Policy 30 of the Development Management Local Plan 2014 which in various ways seek to ensure that new development is of a high quality which is sensitive to local context and character.

Conditions and Conclusion

10. The Council has not suggested any conditions in the event of the appeal being allowed. In the interest of proper planning and to provide certainty I have imposed the standard time limit condition and have specified the approved plans.
11. As the use of London stock brick and red brick to match the existing property is specified in the appeal documents, a separate condition specifying materials is not necessary.
12. For the reasons set out, and taking into account all other matters raised, the appeal is allowed and planning permission is granted.

S Ashworth

INSPECTOR