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# Appeal Decision

Site visit made on 7 December 2016

**by G Powys Jones MSc FRTPI**

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

**Decision date: 16 December 2016**

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## **Appeal Ref: APP/E5330/D/16/3160433**

### **57 Tunnel Avenue, Greenwich, London SE10 0SF**

- 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 Bruno Marques against the decision of the Council of the Royal Borough of Greenwich.
  - The application Ref 16/1636/F, dated 12 May 2016, was refused by notice dated 22 July 2016.
  - The development is described as a single storey rear conservatory.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a single storey rear conservatory at 57 Tunnel Avenue, Greenwich, London SE10 0SF in accordance with the terms of the application Ref 16/1636/F, dated 12 May 2016.

### **Preliminary matter**

2. The conservatory subject of the application has already been built and the appellant, in effect, wishes to retain it. I shall proceed on this basis.

### **Main issues**

3. The main issues are the effect of the proposal on: (a) the character and appearance of the host property and the surrounding area, and (b) on the living conditions of the residents of 59 Tunnel Avenue with particular reference to daylight & sunlight; outlook and visual impact.

### **Reasons**

#### *Character & appearance*

4. The appeal property is a relatively modern terraced dwelling sitting within a small estate of residential properties of a similar age. The conservatory, as one would reasonably expect, is mainly glazed with UPVC framing, albeit that a solid wall is set virtually on the common boundary with 59 Tunnel Avenue; this has glazed inserts at a high level. It has a shallow pitched roof.
  5. The conservatory's design is of a type commonly utilised and seen in suburban areas. The host property has no particular architectural merit and the conservatory does not look out of place. Moreover, it is situated to the rear of the house and has no impact on the public realm. Its impact is therefore restricted to adjacent gardens, and in my view, it causes no visual offence. In
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my opinion, the scale of the conservatory is wholly subordinate to that of the host property and its design is appropriate to its visual context.

6. I therefore conclude that the conservatory has not harmed the character and appearance of the host property or its surroundings. Accordingly, no conflict arises with those requirements of policies DH1 & DH(a) of the Royal Greenwich Local Plan: Core Strategy (CS) that provide in combination that development proposals, particularly house extensions should be of a high quality of design and of a scale and design appropriate to the building and locality.

#### *Living conditions*

7. The conservatory is described by the Council as a wrap-around, in the sense that it wraps around the rear elevation and occupies half of the shallow light well between the host property and No 59. It is built virtually on the common boundary with No 59, which is still marked with a high timber fence.
8. No 59's first floor windows are unaffected but two of its ground floor windows look into the light well. However, these are comparatively small, and were clearly intended as secondary windows in the original design. The main source of light and outlook to the ground floor room at the rear is provided by a large glazed opening set in the main rear elevation. This south-western facing opening, in my view, has not been materially affected by the development.
9. The amount of sunlight and daylight entering both secondary windows, and the outlook provided from them would have been restricted prior to the construction of the conservatory not only by the presence of the fence, but also as a result of the orientation of the light well and the height of its enclosing structures.
10. The conservatory's eaves are set at a level around half a metre or so higher than the top of the fence. In my opinion, this modest increase in height along the boundary is not significant, and is insufficient to materially reduce the amount of sunlight and daylight entering No 59 or to materially affect the outlook from it. For the same reason, the residents of No 59 would not experience a materially increased sense of enclosure, and nor has this been claimed by any of its residents.
11. I therefore conclude that the erection of the conservatory has not harmed the living conditions of No 59's residents by reason of unacceptable loss of sunlight & daylight and outlook, and nor have they been subjected to a harmful increased sense of enclosure. Accordingly, there is no conflict with those provisions of CS policy DH(b) designed to protect the amenities of adjacent occupiers.

#### **Conditions**

12. The Council has suggested conditions relating to a commencement date for development, materials, and one requiring that the development is built in accordance with the approved plans. Since the conservatory has already been built, none of the Council's conditions are considered necessary.

#### **Other matters**

13. Reference has been made to other development plan policies, but those to which I have referred are considered the most relevant, taking account of the thrust of the Council's reasons for refusal.

14. The references made to the *National Planning Policy Framework*, the Council's Advice Note on Home Extensions (2004) and the Council's recently adopted guidance entitled 'Residential Extensions, Basements and Conversions Guidance - Supplementary Planning Document' have been taken into consideration. I note that the 2004 document does not contain specific guidance directed to conservatories, and that the conservatory subject of this appeal does not appear to me be in material conflict with the later guidance.
15. The Council acknowledges that the conservatory has had no effect on the living conditions of the other adjoining property No 55, since a conservatory extension has been built here too. The Council say that this is unauthorised, but it was nevertheless in place during my site visit.
16. I note also that the conservatory has been in place for over 2 years, and that no local or neighbouring resident has objected to its presence. This factor, whilst not decisive, adds weight to the appellant's case for retention.
17. All other matters raised in the representations have also been taken into account, including that the property when originally granted planning permission was made subject to a condition restricting permitted development rights, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR