

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

Appeal Ref: APP/E5330/D/16/3159967

49 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 Ian Winter against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 16/1980/F, dated 17 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is the erection of a rear conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear conservatory at 49 Tunnel Avenue, Greenwich, London SE10 0SF in accordance with the terms of the application Ref 16/1980/F, dated 17 June 2016, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. The Council requested that I should assess the proposal from within 51 Tunnel Avenue, which I did.

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 51 Tunnel Avenue with particular reference to daylight & sunlight; outlook and visual impact.

Reasons

Character & appearance

4. The appeal property is situated at the end of a relatively modern residential terrace. Two of the properties in the same terrace, Nos. 55 & 57 display rear conservatories. The Council say that the one at No 55 is unauthorised. However, I recently determined an appeal concerned, in effect, with the retention of the conservatory at No 57 (Ref APP/E5330/D/16/3160433).
 5. The main issues in that case were the same as in this, and I had the added benefit of being able to assess the effects of a development that had already been carried out as opposed to one that is proposed. However, the development proposed here is very similar to that already carried out at No 55, and the surrounding spatial characteristics, including the house type, are also similar, albeit that this appeal property's rear garden is shorter.
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6. In determining the appeal on 57 Tunnel Road I said:

The conservatory's design is of a type commonly utilised and seen in suburban areas. The host property has no significant 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 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.

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 policy CS16 of the Rugby Core Strategy providing that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

7. Given the high degree of similarity in what is proposed here and in the respective visual and spatial contexts, I have no reason to conclude differently on the effect of the proposal on this host property or its surroundings.

Living conditions

8. The proposed conservatory can be described as a wrap-around, in the sense that it would wrap around the rear elevation and would occupy half of the shallow light well between the host property and No 51. It would be built virtually on the common boundary with No 51, which is marked with a high timber fence.
9. I entered No 51 and saw that the rear accommodation on the ground floor consisted of an open-plan combined kitchen, dining and living area. The main source of light and outlook was provided by a large glazed opening in the rear elevation facing the garden towards the south-west. This, in my view, would be unaffected by the proposal.
10. Two far smaller windows facing the light well would also serve the open plan space, but these were clearly secondary windows. One was placed to the side of the sink and provided little or no outlook, whilst the other looked out directly towards the fence at close quarters.
11. The fence and the main structures on either side of the light well already restrict outlook and the level of daylight & sunlight entering or striking these two windows. The side elevation of the proposed conservatory facing No 51 would be largely glazed and would not be significantly higher than the extant fence on the common boundary. Taking all these matters into account the internal conditions currently experienced within No 51, with specific reference to sunlight, daylight and outlook, would not be materially altered and certainly not harmed.
12. Given the presence of the high fence and lightness of the materials proposed in the conservatory, I do not share the Council view that No 51's residents would suffer an increased sense of enclosure.
13. I therefore conclude that the proposed conservatory would not harm the living conditions currently enjoyed by No 51's residents, with particular reference to daylight & sunlight, outlook and visual impact. Accordingly, no conflict arises

with those provisions of CS policy DH(b) designed to protect the amenities of adjacent occupiers.

Conditions

14. The Council's suggested condition relating to materials shall be imposed, in the interests of visual amenity, albeit in a modified form.
15. It is also necessary in the interests of certainty that the development is built in accordance with the approved plans, and a condition to this effect is imposed.
16. In the interests of protecting privacy the appellant suggests that '*etched or film can be applied to the side glazing if need be*'. I consider the protection of No 51's privacy to be important and a condition is therefore imposed. I do not consider that film is an appropriate solution, given its temporary nature, and consider that obscured glazing should be used.

Other matters

17. Reference has been made to other development plan policies, but those to which I have referred is considered the most relevant, taking account of the thrust of the Council's reasons for refusal.
18. 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.
19. The Council also alleges that the proposal would harm the living conditions of the residents of No 47, but has producing no compelling evidence to support this view. I saw that No 47, a three-storey property, formed part of an entirely different terrace of dwellings, and has a shallower rear building line to that of the appeal property. It is also clearly separated from the appeal property and a high fence occupies the common boundary, which would effectively screen most of the proposed structure. In my opinion, the Council's concerns as to the possible effects on No 47 are exaggerated and unsupported by evidence.
20. 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

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. The brickwork and UPVC to be used in the construction of the external surfaces of the development hereby permitted shall match that used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: The location plan and Drawing Nos. 001, 002 & 003.
4. The permitted conservatory's side elevation facing 51 Tunnel Avenue shall be obscurely glazed, without openings, up to a height of 1.8m above the finished internal floor level. Such obscure glazing shall be retained in perpetuity and shall not be replaced without the local planning authority's prior written consent.