

Appeal Decision

Site visit made on 2 December 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/C5690/D/16/3161096
7 Watson's Street, London SE8 4AU

- 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 Paul Foster against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096366 was refused by notice dated 19 July 2016.
 - The development proposed is the erection of a 2-storey rear extension to provide combined kitchen/dining area with enhanced garden connections and enlarged second bedroom with first floor bathroom.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have dealt with another appeal¹ on this site. That appeal is the subject of a separate decision.

Main issues

3. The main issues are the effect of the proposed development, firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 5 and 9 Watson's Street with particular regard to light, visual impact and sense of enclosure.

Reasons

Character and appearance

4. The appeal property is a mainly 2-storey Victorian cottage within a terrace of similar properties in an area of mixed character, wherein buildings vary considerably in scale, height, age and style. Like most of the other properties within the same 2-storey terrace, No 7 has a butterfly (valley) roof at the rear.
5. The proposal is to erect a part single storey, part 2-storey rear extension following the demolition and removal of the single storey projections at the back of the main house. That the first floor element of the new addition would be set back from the rear of the ground floor component behind a raised parapet would visually 'break down' its scale and bulk, to some extent. A

¹ Ref APP/C5690/D/16/3161102

reasonable sized back garden would remain available for use with the new extension projecting no further rearward than the buildings to be removed. Although the Council states that less than 50% of garden would be retained, contrary to DM Policy 31 of its Development Management Local Plan (DMLP), the amount of outdoor space would be appropriate to the size of the finished house. Consequently, this policy conflict would be insufficient in itself to justify withholding planning permission. Furthermore, the external materials would match those of the existing dwelling.

6. Nevertheless, the appeal scheme would be a relatively sizeable addition with new 2-storey built form extending across almost the full width of the main house. It could not reasonably be described as a subordinate addition, as the appellant suggests. Rather, its considerable scale and bulk would overwhelm the proportions of the existing dwelling, with a new stepped rear façade that would fundamentally alter the traditional style and shape of the existing dwelling. Furthermore, the flat roof of the new first floor would project noticeably above eaves level, thus partly obscuring the lower valley to the existing butterfly roof. This arrangement would visually disrupt the historic roof form of No 7 and that of the wider 2-storey terrace, even taking into account the later rear addition to 1 Watson's Street and the more substantial 4-storey building beyond it. For these reasons, I consider that the proposed extension would spoil intrinsic character of the appeal property and undermine the architectural integrity of the 2-storey terrace of which it would form part.
7. Existing buildings and boundary features would largely shield public views of the proposed extension. However, the upper section of the appeal scheme would be evident in oblique views from Baildon Street and also from the rears of the properties on either side of the site. In these views, the proposal would be obtrusive due to its scale, height and form, appearing as a discordant element in the 2-storey terrace to which it would belong.
8. The appellant places some reliance on the precedent that they consider has been set by the Council's decision to approve a full width first floor rear extension to the adjacent property, which is 9 Watson's Street. From what I saw, No 9 already has a full width ground floor rear extension, which is inconspicuous from Baildon Street as it stands behind a tall boundary wall. No drawings of the approved scheme are before me nor have the decision notice and Officer's report been provided. Nevertheless, the appellant states that the design of the proposal takes its cue from the permitted development at No 9 and that it could be built in unison with it if planning permission were to be granted. The Council appears not to contest these points or that the planning permission for the rear addition to No 9 remains extant. On the limited evidence before me, I have no reason to reach a different conclusion.
9. If the approved first floor rear extension at No 9 were the same or very similar to that part of the proposal before me, and it does come forward as the appellant and the occupier of No 9 suggest, it would alter the built form at the rear of the host terrace, which would be evident from Baildon Street. It would be likely to also partly mask the proposal particularly in views from this highway. Nevertheless, the permitted scheme at No 9, if it were very similar to the appeal proposal would not compromise the character or appearance of the host terrace to the degree that would justify an unsatisfactory rear extension at No 7, as proposed. While 1 Watson's Street has also been extended at the

rear, its form appears to differ to that proposed and so it is not directly comparable.

10. The National Planning Policy Framework attaches great importance to the design of the built environment. It states that development should achieve high quality design, respond to local character and add to the overall qualities of an area. The Council's Supplementary Planning Document, *Residential Development Standards* (SPD) also notes that extensions should reflect the form and shape of the original building. For the reasons given, the proposal would not adhere to these important principles.
11. On the first main issue, I therefore conclude that the proposed development would significantly harm the character and appearance of the host building and the local area. As such, it materially conflicts with Policy 15 of the Council's Core Strategy and DMLP DM Policies 30 and 31. These policies broadly seek to ensure that development achieves a high standard of design that respects the form of the original building and positively relates to the existing townscape.

Living conditions

12. Of the properties close to the site, it is the occupiers of 5 and 9 Watson's Street, situated on either side of the appeal dwelling, that are most likely to be affected by the proposal. As the new addition would be broadly to the north of No 5, there would be no discernable loss of natural light to the rear of this attached house with the new built form in place. The upper part of the new flank wall would be evident from the back of No 5, beyond its single storey rear projection. Although such views would be at close range, the main direction of outlook from the rear of No 5 across the rear garden towards a tall boundary wall would not be significantly curtailed. While the proposal would be visible from the rear of No 5, its scale, depth and height would not be so great as to overbear on the occupiers of this adjacent property nor would it unduly heighten a sense of enclosure for them.
13. The new addition would not extend significantly beyond the rear building line of No 9. Consequently, the outlook from and natural light to its ground floor rear windows would be unaffected. There would be some loss of light to the first floor rear window and back garden of this attached property due to the height and position of the new first floor element. However, the upper floor of the new development would be modest in depth and the resultant overshadowing to the rear of No 9 would be limited in extent. Views towards the appeal scheme from the upper rear window and back garden of No 9 would generally be at an oblique angle and, from ground level, partly screened by boundary treatment and vegetation. From this direction, the new built form would be seen with the far more substantial terrace beyond. In that context, the proposal would not appear oppressive nor would it significantly increase a sense of enclosure for the occupiers of No 9.
14. Taken together, I conclude on the second main issue that the proposed development would not materially harm the living conditions of the occupiers of Nos 5 and 9. Accordingly, it does not conflict with DMLP DM Policy 31 and the SPD insofar as they aim to safeguard residential amenity. My favourable finding on this matter does not outweigh the significant harm that I have identified in relation to the first main issue.

Other matters

15. The proposal would provide valuable additional living accommodation that would significantly improve the living conditions for the appellant and his family. The size of the existing house and its rooms are modest and the current layout, particularly with a bathroom at ground floor and a narrow and steep internal staircase, fails to meet most modern day occupier requirements. I have considerable sympathy for the appellant in wanting to enlarge and improve the building to provide a more suitable family home. That the appellant cares about the dwelling and the local area is in little doubt. However, there is nothing before me to demonstrate that the improvements sought could only be achieved in the manner proposed. On balance, these considerations do not outweigh the significant harm that I have identified in relation to the first main issue.
16. I note that the occupier of No 9 supports the proposal although this support does not in itself justify the grant of planning permission. I also acknowledge the appellant's dissatisfaction with the Council's handling of the application and the decisions made in relation to nearby developments. However, my remit is solely to determine the appeal.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR