
Appeal Decision

Site visit made on 9 January 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/N5660/W/16/3158013

Ground Floor Flat, 103 Gleneagle Road, London SW16 6AZ

- 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 Mrs Charlotte Winstanley against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/01276/FUL, dated 28 February 2016, was refused by notice dated 24 June 2016.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed extension on the living conditions of the neighbouring residents at No 101 Gleneagle Road, with particular regard to daylight and sunlight.

Reasons

3. The appeal relates to this ground floor flat within a terrace of 2 storey properties. The property has an existing single storey rear projecting element and the proposal seeks to extend this to the side to fill the entire plot width at this point.
4. The neighbouring property at No 101 has a rear extension for the full width of the plot. According to figures referred to in the appeal documents, the proposed extension would be 2.4m deeper than the rear wall of No 101. This rear elevation at No 101 contains 2 windows, the smaller one being closer to the appeal site and much larger full height windows and French windows set further away. I also noted that the roof of this extension contains roof-lights.
5. The Council set out in their submissions that the proposed extension would fail the '45 degree test' which is set out in the BRE Guide 'Site Layout Planning for Daylight and Sunlight'. The Council also refer to requests by them for the submission of a full daylight and sunlight report from the appellant but none has been received. However, the appellant has submitted a supporting statement from a specialist company in this respect. This supporting document acknowledges that the 45 degree test would be breached by the proposal; it then adds that this is a rather unsophisticated test and other factors should be considered. This statement appends to it a guide on the use of such tests and

the possible subsequent need for further assessments. It states that where the 25 degree or 45 degree tests are breached, daylight and sunlight levels should be checked using the BRE's detailed tests, which include the Vertical Sky Component, Daylight Distribution/No Sky Line and Average Daylight Factor. None of these assessments have been made in relation to the appeal proposal and its effects on No 101.

6. Whilst I accept the point made by the appellant, to a certain degree, that other factors such as the presence of sky-lights and other windows serving the same room will be relevant, there is simply no way of quantifying this or making an informed judgement without further assessments being undertaken. Therefore, as the proposal fails the 45 degree test and without further detailed information, I consider that there is a realistic concern that the proposal would bring about an unacceptable reduction in light received at the neighbouring property. Therefore, the proposal is contrary to Policy Q2 of the Lambeth Local Plan.

Conclusions

7. I have taken account of all other matters raised but find none which outweigh my concerns. For the above reasons I conclude that the appeal should be dismissed.

S T Wood

INSPECTOR