

Appeal Decision

Site visit made on 31 January 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/C5690/D/16/3162861

71 Killearn Road, London, SE6 1BN

- 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 Sarah-Jane Stoddart against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/097186, dated 22 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is a ground floor rear single storey extension with flat roof. New bathroom to first floor and new bathroom window to rear first floor elevation. Modern roofed entrance porch to front elevation will be removed.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear single storey extension with flat roof. New bathroom to first floor and new bathroom window to rear first floor elevation. Modern roofed entrance porch to front elevation will be removed at 71 Killearn Road, London, SE6 1BN in accordance with the terms of the application, Ref DC/16/097186, dated 22 June 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The development the subject of this appeal has been carried out. I refer to it below as the development.
3. The Council states that a Lawful Development Certificate¹ (proposed) for a rear roof extension at the appeal site is pending decision.
4. I have taken the date of the planning application from the Council's decision notice as the date on the application form provided was redacted.

Main Issue

5. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers, with regards to outlook.

Reasons

6. The appeal property is a two storey mid-terrace dwelling located on the north side of Killearn Road. It is located in a residential area, largely comprising

¹ Ref: DC/16/097194.

similar two storey terraced housing. Killearn Road rises from west to east, such that the appeal property is slightly lower than No 73 Killearn Road and slightly higher than No 69 Killearn Road.

7. Dwellings in the area are set back slightly from the road, behind short front garden areas and have longer gardens to the rear. Gardens along the north side of Killearn Road back on to the rear gardens of similar properties along Sandhurst Road. This provides for a green and spacious rear garden environment.
8. During my site visit, I observed that many properties along Killearn Road have been altered and or extended and that such changes largely appear in keeping with host properties. There are many single storey rear extensions, taking various forms. Given the length of rear gardens, such extensions do not harm the local attributes of spaciousness identified.
9. The development comprises a neatly presented single storey rear extension. It extends the width of the property and projects into the rear garden beyond the projection of the adjacent rear extension at No 73.
10. Due to the change in heights between Nos 71 and 73, their north-facing rear orientation and the existence of No 73's extension, there is no discernible impact on the living conditions of the occupiers of No 73, in respect of outlook. The occupiers of No 73 look out upon a long garden together with adjoining gardens, such that green open space comprises the predominant outlook. The development appears neither dominant nor imposing from No 73.
11. Indeed, the development appears to have been carefully designed to provide useful additional living space within a modern extension that is subordinate to, and blends in well with, the host property. It is neither "bulky" nor "dominant," as suggested by the Council, but in accord with Paragraph 6.4 of the Council's Residential Standards Special Planning Document (2012), it is smaller and less bulky than the original building and it reflects its form and shape. Given the extension's size in relation to the host property, there is little doubt that it appears subsidiary to the main structure, in keeping with the guidance contained in the afore-mentioned document.
12. The side wall of this subordinate extension faces across the rear patio of No 69 Killearn Road, at a slightly raised level. The closest rear ground floor window of No 69 is obscure glazed and as a consequence, it is not impacted by the development. There is one further ground floor window to No 69, which faces directly into the rear garden. This is further away from the development than the obscure glazed window and I find that, due to this and the development's modest height, flat roof, sensitive use of materials and light-coloured paint, this window's main point of focus remains the rear garden and land beyond.
13. Whilst the development appears in the outlook to the rear of No 69, it does not do so to a dominant degree, but rather, the rear garden and its spacious environment dominate the rear outlook from No 69. The development simply appears as a modern, neatly-presented structure which does not create a sense of enclosure but, if anything, due to its carefully applied light colouring, brightens the immediate environment, and also provides part of No 69's patio with an increased sense of privacy.

14.I note above that the rear orientation of the appeal property and that of its adjoining neighbours is north-facing. Given this and the sensitive, subordinate design of the development, I find that there is no discernible impact on the amount of daylight reaching the non-obscured ground floor rear windows of either of its neighbours and the Council provides no substantive evidence to the contrary.

15.Taking all of the above into account, I find that the development does not harm the living conditions of neighbouring occupiers with regards to outlook. It is not contrary to the Framework, to London Plan policy 7.6, to Core Strategy² policy 15, to Development Management³ policies 31 or No 32, or to the Council's Residential Standards Special Planning Document (2012), which together amongst other things, seek to protect residential amenity.

Other Matters

16.The appellant, in support of her case, considers that the proposal conforms to all relevant aspects of the General Permitted Order. However, I note that the proposed development does not have prior approval. Whilst I am mindful that there have been no objections in respect of the application the subject of this appeal, it is not known if there would be any objections to a Prior Development Notice.

Conditions

17.I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plans is necessary for the avoidance of doubt and in the interest of proper planning.

18.A condition controlling materials is necessary to protect local character.

Conclusion

19.For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/C5690/D/16/3162861
71 Killearn Road, London, SE6 1BN**

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

² Lewisham Local Development Framework Core Strategy Development Plan Document (2011).

³ Lewisham Local Development Framework Development Management Local Plan (2014).

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: KR101201Z01 Rev03; KR101401bZ00 Rev01; KR101200Z00 Rev03; KR101203bZ03 Rev01; and KR101501bZXX Rev01.
 - 3) The materials to be used in the external surfaces of the building shall match those used in the existing building.
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