

Appeal Decision

Site visit made on 1 February 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 7th February 2017

Appeal Ref: APP/C5690/D/16/3164499
45 Lewisham Park, London, SE13 6QZ.

- 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 Fashade against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/14/089934 dated 22 November 2014, was refused by notice dated 12 September 2016.
 - The development proposed is a rear single storey extension (retrospective application).
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Costs

1. An application for costs was made by Mr Paul Fashade against the Council of the London Borough of Lewisham. This application is the subject of a separate decision.

Preliminary matter

2. To accord with the description for the proposal and for the avoidance of any doubt I confirm that this decision deals solely with the proposed rear single storey extension, which has already been built. It is also based on the use of the premises as a small House in Multiple Occupation (HMO), as set out in the Council's application report. This decision does not address the proposed use of the building as shown on the submitted drawings, or whether the current use of the premises falls outside the definition of a small HMO. At the time of the Appeal site visit not all of the rooms within the property were being used for the purposes stated on the existing/proposed internal layout plan.

Decision

3. The appeal is dismissed.

Main Issues

4. The first main issue is the effect of the proposal on the character and appearance of the host building. The second main issue is the effect of the proposal on the living condition of the occupiers of 46 Lewisham Park (No.46), with particular regard to visual impact.
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Reasons

Character and appearance

5. The Appeal property comprises a semi-detached Victorian dwelling, which the Council describe as being used for a small (six person) HMO. The proposed extension adjoins the host dwelling on two sides and projects close to the boundary with the No.46 to the north.
6. Together and amongst other things the National Planning Policy Framework (NPPF) and policies DM30 & DM31 of the Lewisham Local Development Framework Development Management Policies Local Plan (Local Plan) seek the highest quality design. Extensions should respect the form, setting, architectural characteristics and detailing of existing buildings and use high quality matching or complementary materials. At the same time extensions should not result in significant harm to the living conditions of the occupiers of adjacent dwellings.
7. Whilst the proposed rear extension is described as a sun room, it has a solid, very shallow mono-pitched roof with a single roof-light within it and solid rendered walls. The fenestration comprises an opaque glazed central door and two small windows, with top opening vents, on either side of the door. Due to their small size, proportions and design these windows fail to respect or reflect the detailing of the existing fenestration. Similarly the proposed door fails to respect the character of the existing doors.
8. Overall, the appearance of the extension is utilitarian and the quality of some of the external finishing is poor. As a result the proposed extension is out of keeping with and has a visually degrading impact on the character and appearance of the host dwelling and its immediate setting.
9. As stated in the Councils Residential Standards Supplementary Planning Document 2012 (SPD), rear extensions should reflect and enhance the host dwelling.
10. The Appeal decision referred to by the Appellant relates to a two storey side extension and so it is not directly comparable to the current appeal scheme. The existing rear extension at 44 Lewisham Park is likewise not comparable to the Appeal scheme in terms of character, appearance and siting. These examples serve to highlight the need to assess each proposal on its individual merits and in light of the prevailing planning policies.
11. I conclude on the first main issue that the proposal materially and unacceptably harms the character and appearance of the host building, contrary to policy 15 of the Core Strategy, policies DM30 & DM31 of the Local Plan and the SPD.

Living conditions

12. Consistent with the NPPF and the Local Plan policies the SPD advises that in assessing proposals account should be taken of any impact on the living conditions of the occupiers of adjacent dwellings.
13. The dwelling at No.46 has a two storey projecting wing on the north side of its rear elevation. Immediately to the south of this projecting wing is a patio area with access from the adjacent living room whose doors are in the eastern

elevation of the main dwelling. The projecting wing has an enclosing impact on the patio area and the outlook from the living room.

14. The proposed extension is located close to the boundary and to the south of the rear patio area and living room window at No.46. Despite the recent erection of a tall boundary fence the upper part of the extension is clearly visible from the patio and living room window at No.46. Where it can be seen the extension is visually stark and materially adds to the sense of enclosure, both within the patio and in the outlook from the living room.
15. Notwithstanding the existence of a large conifer tree close to boundary, the proposed extension undoubtedly results in some loss of daylight and sunlight within the patio area and the living room. This is due to the combined proximity, depth, height and orientation of the extension. Whilst this would not amount to a reason for refusing the Appeal in itself, it exacerbates the visually oppressive impact of the extension.
16. I conclude that the proposed extension causes significant harm to the living conditions of the occupiers of No.46 and therefore conflicts with policy DM31 of the Local Plan and the SPD.

Conclusion

17. The conclusions on both main issues represent compelling reasons for dismissed this Appeal, which could not be satisfactorily addressed through the imposition of conditions.

Elizabeth Lawrence

INSPECTOR