

Appeal Decision

Site visit made on 12 January 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 07 February 2017

Appeal Ref: APP/E5330/D/16/3160169

59 Domonic Drive, Eltham, SE9 3LN

- 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 Richard O'Connor-Close against the decision of Royal Borough of Greenwich.
 - The application Ref 16/1030/F, dated 5 April 2016, was refused by notice dated 14 July 2016.
 - The development proposed is a two-storey side extension including front porch, a single storey rear extension, and a loft conversion comprising gable end, 3 rear dormer windows and 3 front rooflights.
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Procedural Matter

1. There is a certain degree of variation between the appellant and the Council in the description of the proposed development. The Council has adopted a more concise description of the proposals, but has also incorporated references to the dormer windows and rooflights proposed as part of the loft conversion. In this respect I consider the Council's description of development to be more accurate in the context of the proposed scheme.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issues are;
 - The effect of the proposed development on the character and appearance of the appeal property and the streetscene; and,
 - whether the proposals would safeguard the living conditions of the neighbouring occupiers of Nos. 57 & 61 Domonic Drive, having regard to privacy, and a sense of enclosure.

Reasons

Character and appearance

4. The appeal property is a semi-detached dwelling set within a largely residential area, and in a street which is predominantly characterised by two-storey dwellings of a similar scale and design, and where the prevailing roof character is of a hipped form, as is currently the situation on the appeal property.
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5. The design of the single-storey rear element of the proposed extensions, which I accept would be comparatively large at 6 metres in length, would neither appear out of character with the appearance of the dwelling in the context of its plot, nor would have any demonstrable adverse visual impact on the character and appearance of the area. I am also satisfied that neither the proposed dormer windows to the rear of the dwelling, or the incorporated rooflights on the front roof slope would appear visually harmful in themselves or to the dwelling or area.
6. Turning to the proposed 2-storey side extension and gable roof, I have carefully considered the design and visual impact of the proposals in respect of the Council's concerns over the height, scale, bulk and unsympathetic design and appearance of the extensions and alterations.
7. In assessing the proposed change to the roof form, it is evident that the proposals would result in a visual unbalancing of the pair of semi-detached properties as a consequence of the scale and bulk of the roof. Whilst I noted that No.61 Domonic Drive has been previously extended to the side, the proposed gable roof on the appeal property would result in a visually obtrusive and dominant addition within the streetscene, particularly when viewed in context with the low-level hipped roof to the side extension at No. 61 Domonic Drive, and the set-back subservient side extensions at No. 57 Domonic Drive. I accept that the proposals have sought to incorporate detailed design cues from the existing two-storey side extension at No. 61 Domonic Drive which I regard to be appropriate. However, whilst I note that no subserviency in design has been incorporated to avoid the potential for future terracing effects, I am nevertheless satisfied that none would currently arise from the proposals in the existing context.
8. Whilst the appellant has drawn my attention to the presence of other examples of gable end roofs within the street, those that I observed appeared generally uncharacteristic in the context of the prevailing hipped roof form of the semi-detached dwellings within the area. Whilst I have no details before me regarding the decision-making in connection with these other extensions, I do not consider in any event that they set a precedent which would be considered to be desirable to replicate given the existing character of the area.
9. On the basis of the submitted evidence, and my own observations of the site and area, I am satisfied that the scale and bulk of the proposed two-storey side extensions would result in an obtrusive and dominant impact on the character and appearance of the appeal property and the street scene. The proposals would therefore conflict with Policies DH1 and DH(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies, adopted 2014 (the Local Plan), and Policy 7.4 of the London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, adopted 2015 (the London Plan). These policies require development to be of a high quality design, with extensions to residential properties to be limited to a scale and design appropriate to the building and the locality, and roof extensions designed to respect the scale and character of the host building, the street scene and the surrounding area. Furthermore, the proposal would not accord with paragraph 17 of the National Planning Policy Framework (the Framework) as it would not represent high quality design.

Living conditions

10. The Council has expressed the principal concerns regarding the impact on the living conditions of neighbouring occupiers as resulting from a *feeling of overlooking* from the Juliet balcony incorporated within the middle dormer to the rear roof plane, and the creation of a sense of enclosure as a consequence of the height and depth of the single-storey rear extension.
11. I have carefully considered the impact of the proposals on living conditions. I would accept the Council's contention that the incorporation of a Juliet balcony as part of the middle roof dormer would have the potential to result in an increased perception of overlooking. However, I am mindful that part of the character of the area is of the availability of mutual overlooking of adjoining gardens, which already occurs from first floor windows and existing roof extensions. Whilst the character of the fenestration would be perceptibly different, I do not consider that in the absence of a full balcony that any impact on privacy would be so significant as to be unacceptable.
12. Turning to the ground floor rear extension, I noted on site that the adjoining properties possessed an existing ground floor extension (No. 57 Domonic Drive) and a substantial boundary wall (No. 61 Domonic Drive). Whilst the single-storey extension would project beyond the rear of the neighbouring extension at No. 57 Domonic Drive and would be set at a slightly higher level, the form of the proposals, the set back from the boundary, and the extent to which they would project beyond the plane of the neighbouring extension, would not be so significant as to result in an unacceptable sense of enclosure. Furthermore, I consider that the scale and position of the existing boundary wall between the appeal site and No. 61 Domonic Drive, would not be exceeded in height by any significant degree by the proposed extension, and as a consequence that there would not be an unacceptable impact on living conditions on the neighbouring property.
13. On this basis, I am satisfied that the proposed development would safeguard to an acceptable extent the living conditions of the neighbouring occupiers of Nos. 57 & 61 Domonic Drive, having regard to privacy and a sense of enclosure. As a consequence, there would not be conflict with Policy DH(b) of the Local Plan, which requires extensions to not result in an unacceptable loss of amenity to adjacent occupiers through the reduction of the amount of daylight, sunlight or privacy they enjoy, or resulting in an unneighbourly sense of enclosure.

Other Matters

14. The appellant has referred to other recent developments in the vicinity where extensions have been completed under permitted development rights. Whilst this may be the case, there is no suggestion that the proposals before me should be considered as permitted development, or that a realistic alternative which would fit within the restrictions of permitted development is proposed. As a consequence, I have not given any weight to these references.
15. I have also had regard to the concerns of a neighbouring occupier that the timing of any construction works should be limited to between 8.00am and 3.15pm only on Monday – Friday, and at no time during school holidays and at weekends for unspecified medical reasons. However, whilst I consider that some control over hours of construction would be appropriate in the context of

the area, I am mindful that any disruption or disturbance is likely to be for a temporary period of time, and I do not consider that the restrictive hours proposed by the neighbouring occupier could be regarded as reasonable in the absence of any more detailed supporting information.

16. The appellant has also raised concerns over procedural aspects of how the planning application was addressed by the Council, and a general absence of assistance from the Council in respect of negotiation on any design issues during the course of the planning application, and also subsequently after the decision. However, whilst I have regard to these submissions, I do not find that they are matters which ultimately are relevant to the determination of the appeal for the proposed development, for which in my decision-making I have concentrated on the material considerations placed before me by the main and interested parties.

Conclusion

17. I am satisfied that the proposed extensions would not result in adverse impact on the living conditions of neighbouring occupiers in respect of privacy and a sense of enclosure, and would therefore accord with Policy DH(b) of the Local Plan in these respects. However, I have found that the proposed development would result in an obtrusive and dominant impact on the character and appearance of the appeal property and the street scene, and would conflict with Policies DH1 and DH(a) of the Local Plan, and Policy 7.4 of the London Plan, and I find this harm to be significant.
18. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR