The Planning Inspectorate

Appeal Decision

Site visit made on 17 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 8 February 2017

Appeal Ref: APP/C5690/D/16/3162976
121 Chudleigh Street, Ladywell, London SE4 1HP

- 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 Selvan Kula against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/15/094508, dated 17 November 2015, was refused by notice dated 31 August 2016.
- The development proposed is described as a two storey side extension and single storey rear extension to single family dwelling house.

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and single storey rear extension to single family dwelling house at 121 Chudleigh Street, Ladywell, London SE4 1HP in accordance with the terms of the application, Ref DC/15/094508, dated 17 November 2015, subject to the following condition:

   1) The development hereby permitted shall be carried out in accordance with the following approved plans: 82/950/01; 82/950/02; 82/950/03; 82/950/04; 82/950/06; 82/950/09

Procedural Matters

2. At the time of my visit it was clear that the development proposed in the planning application, the subject of this appeal had been completed. The Council dealt with the application as being retrospective.

3. The application clearly states that the proposed development is a two storey side extension and single storey rear extension. It was clear at my site visit that in addition to the proposed development as described in the application being completed, a substantial rear dormer had also been constructed. The appellant contends that the rear dormer was constructed as permitted development and does not form part of the application. The plans submitted with the application include existing elevations which clearly show this rear dormer as being in-situ. Whether or not the provision of this dormer can be considered to be permitted development is a matter for the Council in the first instance. In not forming part of the development proposed in the planning application the existence of the rear dormer is not a matter before me.

4. I also observed that raised decking had been installed at the rear of the property which is not shown in the application or shown on the submitted

drawings, nor is it referred to in the appellant's statement. In not forming part of the application before me I have not taken this into consideration in my determination of this appeal. This similarly is a matter for the Council to consider in the first instance.

5. There appears to be some doubt as to whether revised plans showing the as built extensions were received by the Council. The appellant's statement is clear that the relevant plans are those contained within appendix 1. In particular Drawing No 82/950/09 contained in that appendix shows proposed elevations and in particular the ridge of the roof of the side extension being commensurate with that of the main roof. The appellant asserts that this drawing is part of the application and constitutes the as built elevations. Therefore, for the avoidance of doubt I have determined this appeal on the basis of the external elevations as being those shown on that drawing.

6. I also observed at my site visit that three rooflights had been inserted in the roof of the single storey rear extension and a rooflight installed in the rear roof of the side extension. These elements, and changes to the fenestration of the rear facade of the single storey rear extension, are not shown on the submitted plan (Drawing No 82/950/09). I have no other plans showing the external appearance of these rooflights or the revised fenestration details. Whether these changes can be considered to be permitted development is also a matter for the Council.

7. Taking all of these matters into account, for the avoidance of doubt, I have determined the appeal on the basis of the description of the development as contained on the application and on the appeal questionnaire i.e. *'a two storey side extension and single storey rear extension to single family dwelling house'* and on the basis of the elevations shown on Drawing No 82/950/09.

Main Issues

8. The main issues are:

   - The effect of the proposed development on the character and appearance of the surrounding area.
   - The effect of the proposed development on the living conditions of the occupants of neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

9. The appeal property comprises a two storey, rendered, semi-detached dwelling located on Chudleigh Road which is a residential street containing properties of predominantly similar design and construction age. Many of the properties on the south side of the street have had a variety of side extensions of one and two storey's that abut the property boundary with adjoining dwellings. Consequently, gaps between adjacent dwellings have been eroded and a terracing effect created.

10. The two storey side extension has been constructed above an existing single storey garage which extended to the property boundary with No 119 Chudleigh Road and adjoins a single storey garage at that property. The front façade of the garage is commensurate with that of the main dwelling house. The

extension has rendering and fenestration matching that of the front elevation of the property. It is set back from the front elevation and has a gable roof with the ridge line being continuous with that of the main roof of the dwelling.

11. Notwithstanding the continuous ridge line, I consider that the set back of the first floor of the side extension provides a clear break with the host property and as such maintains architectural subordination to the original building. Given the subservient appearance of the side extension and the wide variety of side extensions along Chudleigh Road, I do not consider that the extension is overly dominant or so at odds with the character of the area to cause any demonstrable harm.

12. The Council has expressed some concerns that the design of the extended roof appears as being not integrated with the main roof and has an odd pitch angle at the rear. In appearing as being entirely continuous to the main roof, in views from the street I do not consider that the roof appears as un-integrated or as an unacceptable contrasting feature. Any variation to the roof pitch angle at the rear is not noticeable in public view and, in any event, is masked by the size of the rear loft extension. As such, I do not consider that the design of the roof causes any unacceptable harm to the character and appearance of the area.

13. The single storey rear extension, having a depth of approximately 4m, has been constructed along the full width of the extended property. It is similarly rendered to match the main dwelling. I note the Council's concerns regarding a discrepancy in the maximum height of the roof of the rear extension from that shown on the section drawing. However, it appeared to me at my site visit that the maximum height of this pitched roof was similarly to that shown on Drawing No 82/950/09 in terminating slightly below the cills of the existing first floor rear windows.

14. Both the scale and mass of the existing dwelling and the plot size are sufficient to accommodate a rear extension of this size without it appearing overly dominant or resulting in a cramped form of development. Nor would it appear unduly prominent or incongruous in the limited views from surrounding development.

15. Taking the above factors into consideration, I conclude that the side and rear extension would not cause demonstrable harm to the character and appearance of the surrounding area when considered either as single elements or cumulatively. Therefore, there would be no conflict with Policy DM31 of the Lewisham Development Management Local Plan (2014) (DMLP). This policy, amongst other things, require that extensions display a sensitive design that respects and/or complements the form, setting, architectural characteristics and detailing of the original building and uses matching or complementary materials.

Living conditions

16. Although the rear ground floor extension extends to the property boundary with Nos 123 and 119, I do not find this arrangement, or the depth of the extension, to be unusual in urban settings. I agree with the appellant that due to the separation distance between the flank wall of the rear extension and the nearest window to a habitable room in the rear elevation of No 119, there

would be no significant loss of light or outlook experienced by the occupants of this property.

17. The appellant has produced drawings showing the position of lines drawn vertically and horizontally at 45 degrees from the centre of the patio doors in the rear elevation at No 123. I accept the appellant's view that in the absence of any other criteria, the use of the 45 degree rule of thumb is a guide to establishing overbearing and over shadowing impacts. These drawings show that the rear extension would not result in the 45 degree line being breached in elevation but there would be a slight breach in plan form.

18. As a consequence there would be some loss of light and outlook form the patio window at No 123. However, taking into account the fact the these windows are south facing with a clear outlook; the fact that the 45 degree line is only marginally breached in plan form; the extent to which the property could be extended as permitted development, I do not consider that any loss of light or outlook would be of an extent to cause any significant harm to the occupants of No 123.

19. As properties in the vicinity have relatively long rear gardens, and taking into account the modest depth of the rear extension, I do not consider that it results in any unacceptable sense of enclosure for the occupants of neighbouring properties.

20. Taking the above factors into account, I do consider that the development would cause any significant harm to the living conditions of the occupants of adjacent properties. Consequently, there would be no conflict with Policy DM31 of the DMLP. This policy, amongst other things, requires that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.

Other matters

21. I have taken into account the concerns of the occupants of the adjoining dwelling regarding the impact of the position of the extensions on the ability to undertake maintenance to the side walls of the property. Whilst I recognise the importance of this concern, it is a matter that can be addressed through the relevant Party Wall Acts and, as such, carries little weight in my consideration of the planning merits of the development in this appeal.

Conditions

22. As the development has been completed, the conditions suggested by the Council regarding the date for the commencement of the development and materials to be used are unnecessary.

23. However, in the interests of certainty, I have imposed a condition regarding the relevant approved plans that were considered in the determination of this appeal.

Conclusion

24. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR