
Appeal Decision

Site visit made on 6 February 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/N5660/W/16/3157945
Flat A, 13 Bloom Grove, London, SE27 0HZ

- 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 Ms H Hamer against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/03744/FUL, dated 24 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is a single storey timber building for use as a garden room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) The effect of the timber building on the character and appearance of the host property and its setting, and; (ii) The effect of the timber building on the living conditions of occupants of 13 Bloom Grove, having particular regard to matters of privacy, outlook, and refuse/recycling storage.

Reasons

Character and Appearance

3. 13 Bloom Grove is a locally listed, two storeys plus basement, semi-detached property which is divided into flats. Flat A is the basement flat which is accessed from the side of the building. The other flats are accessed via steps to the front.
 4. A small timber studio/garden room, painted green and cream, is proposed in the rear garden of the property and would be used in conjunction with Flat A. It is exactly the sort of modest, ancillary type structure you would expect to see at the end of a domestic rear garden. It would be constructed of different materials to the host property but would be visually appropriate given its location. The studio/garden room would, however, be set only 0.5m in from the site's rear and side boundaries. This would conflict with Policy Q14 of the LP which requires new buildings in rear gardens to be set back at least 1m from all site boundaries to allow access to maintain the boundary enclosures and the studio/garden room itself.
 5. Timber structures and boundary treatments can quickly deteriorate over time without maintenance. As such this is good design advice which would preserve the appearance of the timber building as well as safeguarding the character
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and appearance of the host property and its setting. The siting of the timber building would therefore, over time, cause harm to the character and appearance of the host property. This would be contrary to Policies Q8 and Q14 of the Lambeth Local Plan (2015) (LP) which seek good design which preserves the amenity value of rear gardens, and, in respect of locally listed buildings, Policy Q23, which requires that such buildings and their settings be preserved, protected and safeguarded. The fact that the rear of the property has a more modern appearance than the front due to a later extension does not alter my findings in this respect.

Living Conditions

6. The rear garden sits at a slightly higher level than the basement flat. Despite this the studio/garden room would sit largely below rear windows in the ground floor flat which would afford its occupants some privacy. Nevertheless, at the time of my site visit the rear garden showed signs of regular use as evidenced by chairs and tables, and a barbeque. The current use of the garden therefore already impacts, to a degree, on the privacy of the ground floor flat and a person or persons using a studio/garden room would not, in my opinion, materially increase this. The studio/garden room would be sited at the end of the garden some 8m away from the host property which, in conjunction with its single storey nature, would mean the outlook for occupiers of the main building would not be restricted to a significant or harmful degree. I therefore find no conflict with the relevant provisions of Policy Q2 of the LP which require acceptable standards of privacy and outlook.
7. Concern is raised that the proposal would result in the displacement of a refuse/recycling storage area for occupants of No 13. Be that as it may, at the time of my site visit the bins were stored along the side passage of the building. The path here is wide enough to accommodate these and to allow a person to pass. In this position they are not visually obtrusive and other properties in Bloom Grove store their bins in a similar manner. This is also likely to be a more convenient place to store bins, particularly for the occupants of the flats accessed from the front of the property. With respect to rights over the land to the rear of the property this would be a private matter between the parties concerned and would not be a reason to refuse planning permission. I therefore find no conflict with Policy Q12 of the LP which requires the provision of adequate refuse and recycling storage.

Conclusion

8. I have found no harm to the living conditions of occupiers of 13 Bloom Grove. Nor do I find harm in terms of the design or materials of the proposed timber building. However, its close siting to the property's boundaries would, in time, cause harm to the character and appearance of the host property and its setting. I have had regard to all matters raised, including the appellant's comments that no site visit was made by the Council and that the studio/garden room replaces a smaller shed. Reference is also made to other developments but I have not been provided with any detail in respect of these. These matters do not, therefore, alter my findings above. Consequently the appeal is dismissed.

Hayley Butcher INSPECTOR