

Appeal Decision

Site visit made on 14 February 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 22 February 2017

Appeal Ref: APP/E5330/D/16/3162097
342 Green Lane, London SE9 3TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr A Azmi against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/2110/PN1, dated 26 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. The proposed extension would project 5m from the rear of a semi-detached house and would be situated immediately adjacent to the boundary with the other house in the pair, 340 Green Lane. It would be 3m tall and have a flat roof. The boundary between the two properties is delineated by a timber fence adjacent to which a taller hedge is situated in the garden of No 340. However the hedge does not extend up to the rear elevation of the house adjacent to which the aspect is more open.
 4. No 340 has a set of glazed doors and associated windows serving a habitable room on the ground floor and which is situated close to the party boundary. The two properties have a sensitive relationship to one another as a result.
 5. Although the proposed extension would be flat roofed it would result in a significantly higher elevation along the boundary than the existing fence which is markedly lower than the top of the adjacent window. This would enclose the rear aspect from that room to a considerably greater extent than currently exists.
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6. In the absence of any substantive evidence to the contrary, the combination of the extension's height, extent of projection and orientation to the south of the boundary would be likely to result in a substantial loss of diffuse skylight and, at certain times of the day sunlight, reaching the nearest habitable room in No 340. Whilst the hedge would have some effect on light it stops somewhat short of the rear elevation and it cannot be assumed that it would remain in the long term. The proposal would consequently have a materially harmful effect on the living conditions, and hence amenity, that the occupiers of No 340 could reasonably expect to enjoy.
7. Whilst the extension would be conspicuous above the fence, the outlook from the rear of No 340 would mainly be of its own garden. This outlook would not be reduced to a materially harmful extent as a result of the extension. The increased sense of enclosure that would result would not be so extensive as to have a harmful effect in itself. However, avoidance of material harm in these respects does not amount to a positive consideration.
8. In support of his appeal the appellant has referred me to a number of appeals from elsewhere in the country where Inspectors have allowed appeals against refusal of prior notification for rear extensions. However, from the descriptions and reasoning each of these cases appears to have material differences to that of the appeal proposal. Accordingly, their circumstances are not directly comparable with those which apply in this appeal, particularly with regard to the relationship between the appeal site and its neighbour. I have, in any case, reached my own conclusions of the appeal proposal on the basis of the evidence before me and the results of my site inspection.
9. The appellant considers that a shorter but taller extension benefitting from permitted development rights could be erected without triggering the GPDO's prior approval requirements. He also considers that a slightly deeper one would accord with the Council's guidance for extensions. Such theoretical extensions may have the potential to give rise to some similar effects on the neighbours' living conditions as the appeal proposal.
10. However the proposal extension would be materially different to such theoretical extensions in respect of its extent of projection. There is little evidence to suggest that they would be equally or more harmful than the appeal proposal, particularly in respect of overall effects on day and sun light. These scenarios do not, therefore, lead me to consider that the proposal would be otherwise acceptable in amenity respects.

Conclusion

11. For the above reasons I conclude that the appeal should be dismissed.

Geoff Underwood

INSPECTOR