

Appeal Decision

Site visit made on 21 March 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/C5690/D/17/3168281
14 Benson Road, London, SE23 3RJ

- 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 Gemma Wade against the decision of London Borough of Lewisham Council.
 - The application Ref DC/16/098472, dated 20 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is single storey rear garden extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear garden extension at 14 Benson Road, London, SE23 3RJ in accordance with the terms of the application Ref DC/16/098472, dated 20 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: numbers 00 (location plan), 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 Rev A & 17 Rev A.
 - 3) Before development starts, details of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. I consider that these are the effects of the proposal on firstly, the character and appearance of the host building; and secondly, the living conditions of the occupiers of the ground floor flat at 12 Benson Road, with respect to an overbearing sense of enclosure and loss of daylight.

Reasons

3. The appeal property is a detached Victorian house of brick and slate construction. It is situated on the north side of Benson Road, which slopes
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quite steeply downwards from west to east. There is an existing single storey rear extension, of traditional design and materials: this occupies nearly half the width of the rear elevation on the lower side of the building. It would be replaced by an extension built nearly to the full width of the house. This would have a flat roof, stepped at three different heights; side walls of matching buff brickwork; and a largely glazed rear elevation towards a sizeable back garden.

First main issue – effect on character and appearance

4. The proposed extension is of an unapologetically modern design that would significantly enlarge the ground floor of the host house. The glazed rear wall and three large skylights in the flat “green roof” would flood the new open plan room with light and connect it visually with the garden. I agree with the officer assessment that it would successfully combine traditional and modern elements, but also that the painted timber fascias might be reconsidered (this could be dealt with through a materials planning condition).
5. It is the bulk and scale of the extension to which the Council objects. The form of the extension would be distinctly rectangular, although not monolithic, in effect being comprised of three boxes of varied height and projection. The highest and narrowest of these would be just off centre, aligned with the internal hallway and front door. The component on the upper (west) side would project a similar distance to an existing extension at no.16 next door. The component on the lower side would be lowest in height but greater in outward projection. Both side walls would be stepped in a short way, demarcating the new from the old. Overall, I estimate from the drawings that the area of the rear elevation of the extension would be less than half that of the existing back wall of the main house. The extension would be visually striking, but could not be said to dominate in a purely dimensional sense. Nor do I consider that it would be unduly out of scale with the house.
6. This articulated, rectangular form would clearly not reflect the plain back wall of the original house nor its simple pitched roof with gable ends. However, the stepped height would reflect a distinctive feature of the rear of the house. This is that the side on lower ground has 3 floors of accommodation while the upper side has 2 floors, with higher ceilings. The pattern of fenestration follows this layout, and would be followed and expressed by the new stepped roof height at ground floor level. The off-centre position of the highest component would also match the asymmetrical design the front elevation. On balance, I consider that the proposal would be a worthy addition to the property.
7. I find support for this view from a number of other ground floor extensions permitted in the vicinity, as detailed in the Design and Access Statement submitted with the planning application. These show a variety of scale, form and design. Some are distinctly contemporary in design and form, and to virtually the full width of the host house. That at no.10 is of this type, which I was able to glimpse from the rear garden of the appeal site. These examples do not set a precedent as such. Yet they illustrate what has been accepted locally, and help define the nature of rear extensions that characterise the vicinity. I consider that the appeal proposal would be broadly in keeping with these approved developments.

8. The appeal site is towards the northern edge of the Forest Hill Conservation Area. The effect of the proposal on the conservation area is not mentioned in the officer report or the Council's reason for refusal. Although a conservation area appraisal has been provided, the qualities or significance of this heritage asset have not been addressed. Nevertheless, I am obliged to have regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. From the information before me, I consider that it is the well-preserved Victorian street scene that provides the principal heritage significance of this part of the conservation area, where rear elevations are largely secluded, especially at ground floor level. As the proposal would have no material effect on the street scene, and is of a design, form and scale that I have found to be acceptable, I consider that it would have a neutral effect on the character and appearance of the area, which would thereby be preserved.
9. Overall and on balance I conclude that the proposal would not detract from the character and appearance of the host building, or the conservation area. General development plan policies regarding the quality of design, local character and heritage conservation would be complied with. These include Policies 7.4, 7.6 & 7.8 in The London Plan (2016); Policies 15 & 16 in the Lewisham Core Strategy (2011); and DM Policies 30 & 39 in the Development Management Local Plan (2014). There is some departure from more detailed provisions in DM Policy 31 regarding extensions and related provisions in the Council's *Residential standards* Supplementary Planning Document [SPD] (2012). These concern such matters as reflecting (in a conventional way) the architectural detailing of the host house, its form and shape, and the pattern and alignment of windows and doors. In this case, I consider that such matters would be outweighed by the quality of the contemporary design and form of the extension and other matters outlined in paragraphs 5 – 8 above.
10. I consider further that the proposal would satisfy the standard of design sought by the National Planning Policy Framework, and conserve the heritage asset of the conservation area in a manner appropriate to its significance.

Second main issue – effect on living conditions

11. The side wall of no.12 Benson Road is on the common boundary with the appeal site. The rear of the neighbouring house has a similar layout to that of the appeal house. Thus the windows and glazed door of the main rear living room of the ground floor flat are quite close to the appeal site.
12. The boundary is marked by a close-boarded timber fence which, on the no.12 side, stands on a retaining wall of approaching 0.5 metres in height. The side wall of the new extension would be a little higher than that of the existing extension, but would not have a pitched roof rising above it. It would also project some distance further from the host house. However, it would also be set back from the boundary by at least 1.5 metres. In this relationship, I consider that the effect of the changes on outlook and daylight next door would be limited, compared to the existing situation.
13. The extension is sited to the west of no.12, so might be expected to intercept some late afternoon summer sunshine. However, again I consider that any additional impact from the new extension would be limited and that, overall,

the effect on living conditions would not warrant the withholding of planning permission.

14. I conclude that the proposal would not result in a significant loss of amenity or deterioration in the living conditions of the occupiers of the ground floor flat at 12 Benson Road, with respect to an overbearing sense of enclosure and loss of daylight. It would therefore satisfy DM Policy 31 and the SPD in this respect. A good standard of amenity would be secured for existing and future occupants, as required by the Framework.

Overall conclusion

15. I have found in favour of the proposal with respect to both main issues. I have also identified that a planning condition is needed, regarding materials. In view of the contemporary nature of many of the finishes, which clearly do not match the existing house, I consider that details need to be submitted and approved, in the interests of a satisfactory appearance. I also impose a condition specifying the relevant drawings as this provides certainty.
16. Subject to these conditions there is no reason to withhold planning permission, and I allow the appeal.

G Garnham

INSPECTOR