
Appeal Decision

Site visit made on 16 March 2017

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 31 March 2017

Appeal Ref: APP/N5660/D/16/3163863
5 Grayscroft Road, London SW16 5UP

- 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).
 - The appeal is made by Mr Raiyan Bari against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/05632/PDE, dated 18 September 2016, was refused by notice dated 10 November 2016.
 - The development proposed is described as a single-storey 4.5m rear extension.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A.4. of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single-storey 4.5m rear extension at 5 Grayscroft Road, London SW16 5UP, in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4.(2) of the Order.

Main Issue

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('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.
3. Therefore, the main issue in the appeal is the impact of the proposed development on the amenity of any adjoining premises.

Reasons

4. The appeal property forms part of a terrace of two-storey houses in an outer suburban location. At the time of my visit, the house was undergoing renovation, and the conservatory to the rear shown on the submitted plans had already been removed. A large dormer window had also been added to the rear roof slope that is not shown on the proposed plans.
 5. The appeal is against the Council's refusal of prior approval for a single-storey rear extension to replace the former conservatory. The extension, which would
-

- house an enlarged kitchen/dining room, would cover the full width of the house and would project from the rear wall by 4.5m. It would have a flat roof with an eaves height of 3.0m.
6. The adjoining house to the south-east, No.7, already has a single-storey rear extension that projects by some 4.0m. The appeal proposal would thus be some 0.5m deeper, and of virtually the same height as the existing extension. It would have no significant effect on outlook from the adjoining rear-facing windows or on light within the extension. There would be no adverse impact on the amenity of residents of No.7.
 7. The need for prior approval arises because of an objection by the resident of the adjoining house to the other side, No.3. The Council endorses the concern raised that there would be an unacceptable sense of enclosure and loss of outlook to the rear of No.3. An earlier proposal¹ for a 6.0m deep extension was refused prior approval for this reason, and due to overshadowing of No.3's rear garden. The resident considers that these reasons should still apply and also refers to a loss of daylight, but only the issue of effect on enclosure and outlook has been accepted by the Council in this instance.
 8. No.3 has not been extended. Its rear elevation contains a pair of sliding doors opening from what appears to be a main living space onto a small paved terrace. Closer to the boundary with No.5 is a narrow window that appears to light a small room, which is said by the Council to be a bathroom but could also be a kitchen.
 9. The plans indicate that the former conservatory was quite low in height and was set in slightly from the common boundary. The proposed extension would be taller and some 2.2m deeper. It would therefore have a slightly greater effect than the conservatory on daylight in No.3's nearer rear-facing room, and a negligible effect on light in the other room. But I agree with the Council that the effect on the rooms would not be significantly adverse. I also agree that any overshadowing of No.3's garden, which would occur only for a limited period each day, would not be extensive or harmful enough to justify rejection of the proposal.
 10. Outlook from the rear of No.3 is already partly enclosed by the blank side wall of an extension to the rear of No.1. The appeal proposal would introduce a similar degree of enclosure to the other side, although the side wall would not be so tall next to the house. Because the doors are well offset from the boundary, outlook from the main room would be only slightly impinged upon but not constrained to any marked degree. The principal aspect towards the garden would not be interrupted. There would be some perception of increased enclosure from the minor room closer to the boundary, but outlook would be less critical from this secondary space and the effect would not be overbearing. Overall, there would not be a significant adverse effect on living conditions.
 11. I note the adjoining resident's suggestion of a 'compromise solution' involving a lesser projection, reduced height and some setting in from the boundary. Even if it were possible for me to endorse alternatives, I consider that this would not be justified. I note that the appellant states that a proposal of similar scale could be erected without the need for prior approval.

¹ Ref 16/04641/PDE

12. Houses bordering the rear of the site are well separated by gardens and would not be affected.

Conclusion

13. For the reasons given above, I consider that the proposed extension would not have a significant adverse impact on the amenity of adjoining premises. I conclude that the appeal should be allowed and approval granted. In granting approval the appellant should note that the GPDO requires at Paragraphs A.4.(13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development, and the date of completion.

Brendan Lyons

INSPECTOR