
Appeal Decision

Site visit made on 29 March 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 24th April 2017

Appeal Ref: APP/N5660/D/17/3169055
14 Ashlake Road, Streatham SW16 2BB

- 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 Mrs Nicola Burke against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/05939/FUL, dated 14 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is single storey extension to rear elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 12 Ashlake Road with particular regard to outlook and light.

Reasons

3. The appeal relates to a three-storey terraced dwelling. The property has a two-storey rear return which is paired with the return of 16 Ashlake Road. No 12 similarly has a two-storey rear return which is set away from the shared boundary with the appeal property.
 4. It is proposed to erect a single storey extension which would infill the yard area between the rear return and the shared boundary with No 12. The extension would project in line with the rear elevation on the rear return of No 12 which contains kitchen windows at ground floor and a bedroom window above. As such, the proposal would not unduly affect the existing outlook or levels of light through the habitable windows there.
 5. Nevertheless, the rear elevation of No 12 facing into the yard area contains French doors. There is also a small obscurely glazed window, a door and a window in the side of the rear return which face the appeal site. The side windows and French doors of No 12 currently face out onto a fence which is around 2m in height. There is also a significant amount of vegetation along the boundary and a large tree in the garden of No 12. Levels of daylight into those windows and doors are therefore currently restricted, as is the quality of outlook.
 6. However, the proposal would extend above the height of the existing fence, to around 3.3m and would have a flat roof. Moreover, it would have a depth of
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around 6.5m along the shared boundary with No 12 and would infill the entire yard space between the boundary wall and the side return. The extension would be considerably larger than the existing lean-to and would create a significant expanse of largely unrelieved built form in close proximity to the windows and doors in the side and rear of No 12. As a result, it would appear unduly dominant in the outlook of the neighbouring property, resulting in an increased sense of enclosure.

7. I note the proposal would be to the north of No 12 and would not therefore unduly restrict direct sunlight. However, in the absence of a BRE compliant daylight and sunlight assessment, given the scale and proximity of the extension to the neighbouring property, it would nevertheless be likely to harmfully reduce the existing levels of daylight received through the neighbouring windows.
8. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of 12 Ashlake Road with particular regard to outlook and light. Whilst the proposal would accord with the design criteria for infill extensions set out in Policy Q11 of the Lambeth Local Plan 2015 (LP), the proposal would conflict with Policy Q2 of the LP which seeks to ensure that development provides adequate outlook, does not result in undue sense of enclosure and does not have an unacceptable impact on levels of daylight and sunlight for neighbouring residents. That is the prevailing consideration.

Other Matters

9. The Council has raised no concerns in respect of the effect of the proposal on the character and appearance of the area. I see no reason to come to a contrary view. However, the lack of harm in respect of such matters would not outweigh the harm which I have identified above.
10. I note that no objections were received from the neighbouring residents. However, this does not account for future changes in ownership or occupation of the properties and would not, in this instance, outweigh the harm which I have identified.
11. My attention has been drawn to examples of side return extensions at 15 and 16 Ashlake Road. However, I have been provided with limited detail of those extensions and cannot therefore be sure of the circumstances of those cases or indeed whether they are comparable to the appeal proposal. In any event, I have considered this appeal on its own merits.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR