
Appeal Decision

Site visit made on 12 April 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 2 May 2017

Appeal Ref: APP/C5690/D/17/3169359
125 Westwood Park. London, SE23,3QQ

- 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 Ruth Campbell against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/098459, dated 26 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is a loft conversion with setback recessed juliette balcony.
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Procedural Matter

1. Although the application form refers to a 'juliette balcony' I consider that the balcony proposed is more substantial than what is normally understood by that term. In this letter I therefore use the less specific term 'balcony'.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect of the proposal on, i) the character of the host building and the street scene and, ii) the privacy of nearby residential properties.

Reasons

Character

4. The appeal property is a substantial detached house standing at the corner of Westwood Park and Langton Rise. It has a complex roof shape with a mixture of pitches, hips and gables of varying height and four free-standing chimney stacks. In the surrounding area there are detached and semi-detached houses on Westwood Park and mainly terraced houses on Langton Rise. Immediately to the rear of the site the Horniman Nature Trail runs parallel to Westwood Park along the line of a former rail track. On the north east side of Langton Rise, about 30m from the site's nearest corner, a large flat roofed electricity substation is a dominant presence in the street scene.
5. The proposal is to construct a roof extension to the rear and side of the dwelling. The extension would have a flat roof which would be 0.3m above the dwelling's longest existing ridge but below its shorter central ridge. It would incorporate a balcony on its two outer sides. The balcony would be enclosed by

aluminium framed glazing and the extension would be finished with a mixture of lead and timber cladding. The proposal also includes four rooflights in the dwelling's front roof slope although these are not specified in the description in the application form. The Council consider the rooflights to be an acceptable part of the proposal

6. The design of the proposed extension is imaginative and carefully considered but its flat roof and glazed elevations and its position high up in the roofspace would nevertheless be contrasting elements on a dwelling which otherwise retains the characteristic features of the late Arts and Crafts style. Whilst I accept that contrast is not necessary harmful there is a fine line between what is perceived as an enhancement and what is seen as discordant. To my mind the appeal proposal just crosses the line into discordancy even though I find that the sub-station on the far side of Langton Rise already detracts to some degree from the street scene. I therefore agree with the Council that the extension would be over-dominant and obtrusive although I recognise that this is inevitably a marginal judgement.
7. In making my assessment I have noted the statement in the Council's Residential Standards Supplementary Planning Document (August 2006 but updated in 2012) (the SPD) that "*Roof extensions will not be permitted where any part of the extension will be above the height of the ridge of the main roof*". This guidance (which is repeated by policy DM31 in the Council's Development Management Local Plan) is not the decisive factor in my assessment, partly because I think that innovative design proposals should be considered on their individual merits but also because, in the present appeal, it is not clear whether the longest or the highest ridge should count as the 'ridge of the main roof' in relation to the guidance in the SPD. Nevertheless, the existence of the guidance adds weight to my finding that there is some conflict with the objectives of policy 15 in the Council's Core Strategy and policies DM30 and DM31 in the Development Management Local Plan.

Privacy

8. Although one side of the proposed balcony looks towards gardens on the far side of the Horniman Nature Train I am satisfied that the intervening distance would avoid a significant loss of privacy even if it were not for the screening effect of trees. I give greater weight to views into the rear gardens of the houses immediately to the south west and the rear garden to 127 Westwood Park on the opposite side of Langton Rise.
9. I recognise that a screen at the south western end of the balcony would prevent overlooking of the outdoor areas immediately to the rear of the neighbouring houses and that their gardens are already overlooked from the appeal property's upper floor windows. Even so, I consider that there would be some actual loss of privacy as well as the psychological effect of knowing that one's garden is overlooked from a nearby high level viewing platform.
10. I am also concerned about the effect on No 172's rear garden. I recognise that the distance from the balcony would be over 20m but this would not be sufficient to avoid a loss of privacy when the balcony looks almost directly towards the garden.

11. The appellant says that the raised deck and ground floor windows at the rear of No 172 are already significantly overlooked from the Langton Rise pavements. This argument is based on the way the land falls from Westwood Park to the north west so that, for anyone walking up Langton Rise towards No 172, the deck is initially elevated above the boundary fence. Significantly however, as one gets closer to the rear of No 172, the difference in height reduces with the result that the fence becomes a more effective screen. In addition, I am satisfied that the loss of privacy caused by glances from casual passers-by would be less than would result from someone standing on an overlooking balcony.
12. I agree with the officer's report that the balcony's modest depth would reduce the intensity of its use but I also agree that this would not be sufficient to avoid all loss of privacy for nearby residential property. In this regard the proposal would conflict with the objectives of policy DM 31 in the Development Management Local Plan.

Conclusion

13. When the effects of the proposal on the street scene and on privacy are taken together I am satisfied that the arguments against the proposal and the consequent degree of conflict with the objectives of the development plan are decisive.
14. The appellant refers me to developments elsewhere in the surrounding area. As far as the street scene is concerned, these developments do not affect the appeal site's immediate surroundings and therefore carry little weight in my decision. To the extent that other developments reflect on the consistency of the Council's approach, this is not a matter before me in the context of this appeal, which I must determine on its own merits.
15. The appellant also argues that extensions that would benefit from permitted development rights would have more damaging effects. Here again I must assess the proposal before me on its own merits. Comparison with other schemes would be relevant only if I had convincing evidence that these schemes constituted realistic fall-back positions. I do not consider that I have such evidence in this appeal.

George Arrowsmith

INSPECTOR