
Appeal Decisions

Site visit made on 22 May 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: 9 June 2017

Appeal A Ref: APP/E5330/W/16/3164616

35 Combedale Road, Greenwich SE10 0LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr I Ogilvie and Miss V James against Royal Borough of Greenwich Council.
 - The application Ref 16/2569/F, is dated 8 August 2016.
 - The development proposed is the erection of a part two storey, part single storey side / rear extension.
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Appeal B Ref: APP/E5330/W/16/3164621

35 Combedale Road, Greenwich SE10 0LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr I Ogilvie and Miss V James against Royal Borough of Greenwich Council.
 - The application Ref 16/2570/F, is dated 8 August 2016.
 - The development proposed is the erection of single storey side / rear extension.
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Decisions

1. Appeals A and B are dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. They differ only in that the scheme subject of Appeal A also includes a first floor extension. I have considered each proposal on their individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
 3. When I visited the site I noted that walls of the single storey extension had been constructed but that the extension had not been completed. I was also able to view the site from within the back garden of 33 Combedale Road.
 4. The Council's statements indicate that had it determined the applications it would have refused planning permission for both. This would have been on the grounds that the developments would be obtrusive, dominant and incongruous and fail to harmonise with the original dwelling or the character of the terrace, and that they would result in a loss of residential amenity to the occupiers of the adjoining properties due to a loss of outlook, increased sense of enclosure and loss of sunlight and daylight.
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Main Issues

5. In light of the Council's notional reasons for refusal I consider that the main issues raised by both appeals are the effect the proposals would have on the living conditions of occupiers of adjacent residential properties and on the character and appearance of the area.

Reasons

Neighbours' living conditions

6. The appeal property is a terraced house with a rear offshoot which is paired with that of its neighbour at No 33. There is a narrow gap between this offshoot and the party boundary with its other neighbour at 37 Combedale Road whose offshoot is similarly closely located to the boundary. The appeal property and No 37 have a sensitive relationship to one another as a result.
7. The proposals would fill in the gap which exists between the offshoot and the boundary with No 37, extending beyond the offshoot to a total depth of 7.1m (according to the Council's figures) from the rear of the main part of the appeal property. This would have the effect of creating a narrow, enclosed space between the proposed extensions and No 37's rear offshoot. This would be experienced from within habitable rooms in No 37 served by ground floor windows in the rear elevation and the side of the offshoot, the significantly increased sense of enclosure and enclosed outlook from which would be oppressive. Although the appellant advises that the eaves of the extensions would be below the height of the ground floor rear window, this would only be by a limited amount and would not greatly mitigate these effects.
8. As the appellant points out the extensions would not overshadow the rear of No 37 due to that property's orientation relative to the extensions. However, whilst there would be very little effect on direct sunlight for this reason, the diffuse daylight reaching the inside of those rooms would be materially reduced as a result of the height, considerable length and very close proximity of the side wall of the proposed extensions.
9. The 2.7m projection beyond the rear of No 33's offshoot at ground floor level would increase the degree of enclosure experienced along the party boundary which would result in some loss of direct sunlight at certain times of the day. However, this would be limited and the otherwise open aspect of the rear garden of No 33 would mean that diffuse daylight levels entering through the part glazed door and obscure glazed window in the rear elevation of No 33's offshoot would not be harmfully reduced.
10. The limited degree of projection and set back from the boundary would mean that the two storey extension in the Appeal A scheme would not materially affect the light reaching, or outlook from, No 37. Whilst its location adjacent to the boundary with No 33 would mean the two storey element would have an effect on light to that property, due to its short degree of projection this would be very limited and not to a materially harmful extent.
11. Nevertheless the living conditions of the occupiers of No 37 would be harmed as a result of the ground floor extensions. This would be contrary to Local Plan¹ Policy DH(b) which requires development to avoid an unacceptable loss of

¹ Royal Greenwich Local Plan: Core Strategy with Detailed Policies, 2014.

amenity to adjacent occupiers by way of reduced daylight or an unneighbourly sense of enclosure, amongst other factors.

12. This is supported by Council guidance² which recommends that, to avoid blocking neighbours' light, extensions should not normally project more than 3.6m from the rear wall of the house and that where the original rear wall is stepped that extensions should be stepped too. The proposals would not accord with the National Planning Policy Framework's (the Framework) core planning principle of always seeking a good standard of amenity for all existing occupants of land and buildings.
13. Whilst the Council's statement mentions a harmful effect on No 39, that property's removed location relative to the proposals would avoid any harmful effects, although as the appellant points out this may well be a drafting error.

Character and appearance

14. Although they would occupy the full width of the plot a ground floor level, the single storey extensions would be relatively discreet from public views. The Council have not identified any particular positive characteristics or features which the terrace displays to the rear. Considered in the context of other ground floor alterations to surrounding properties, this element of the proposals would not appear as an over dominant or visually obtrusive addition to the building and they would remain subservient to it.
15. There is a degree of uniformity in the configuration, shape and size of rear offshoots at first floor level along the terrace which is evident between Westerdale and Ormiston Roads. However the Council have not identified that the existing arrangement is one that makes a particularly important contribution to the area's character or appearance. The first floor extension would alter this arrangement by standing out slightly beyond its neighbours and, from my observations, would be noticeable from Westerdale Road. However, its limited projection would not result in an incongruous or overly prominent appearance, even considered with the ground floor extension.
16. The character and appearance of the host building, the terrace and the area would not be materially harmed as a result of either scheme. As such the proposals would avoid conflict with the architecture, design and character requirements of London Plan, 2016 Policies 7.4 and 7.6 and Local Plan Policies DH1 and DH(a) in this respect. Whilst the arrangement would not accord with the aforementioned guidance this focusses on the effect such extensions would have on neighbouring occupiers' amenity. However, avoidance of harm in this respect does not amount to a positive consideration.

Conclusion

17. For the above reasons, the proposals in both schemes would harm the living conditions of the occupiers of No 37, contrary to the development plan, Council guidance and the Framework. Both appeals are therefore dismissed.

Geoff Underwood

INSPECTOR

² Residential Extensions, basements and Conversions Guidance, Supplementary Planning Document, 2016 – paragraphs 5.4, 5.15 and 5.16.