
Appeal Decision

Site visit made on 31 May 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 21 June 2017

Appeal Ref: APP/E5330/W/16/3158404

47 Gregory Crescent, Eltham, London SE9 5RZ

- 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 Georgina Hooper against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/1955/F, dated 17 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is a single storey rear conservatory extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear conservatory extension at 47 Gregory Crescent, Eltham, London SE9 5RZ in accordance with the terms of the application, Ref 16/1955/F dated 17 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Survey as existing - Drawing No 1693/08; Planning Proposals – Drawing No 1693/09.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials as prescribed within the application and any brickwork provided in the base and plinth shall match the brickwork and mortar bond used in the existing property.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of the ground floor flat at No 49 Gregory Crescent with particular regard to outlook and sense of enclosure.

Reasons

3. The appeal property comprises a ground floor flat in a maisonette block of four flats, consisting of two flats on the ground floor and two on the first floor. The rear garden of the appeal property, and that of the adjoining ground floor flat at No 49, have relatively long south facing gardens which provide an open aspect in views and a spacious character at the rear of the properties. These gardens are provided in an angled arrangement from the rear of the property such that the boundary with No 49 progressively splays towards the appeal
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property. The rear gardens rise to the south but have patio areas at the rear of the properties with that of No 47 being at a lower ground level than the adjacent area at No 49. A close boarded timber fence, which the appellant indicates is approximately 2m high, forms the rear boundary between these properties.

4. The appeal property has an existing rear extension that extends approximately 3m from the original facade and occupies almost the full width of the ground floor with a small set in from the boundary with No 49. At first floor level this extension occupies only part of the rear elevation such that a small single storey only element of the extension exists in the vicinity of the property boundary with No 49.
5. The proposed development would involve the construction of a conservatory that would extend from the single storey element of the existing rear extension and have a depth of approximately 4.5m, a width of 2m and slightly sloping roof with a maximum height of approximately 2.2m. It would be slightly set in from the property boundary but would follow its alignment. Consequently, it would be positioned on an angled arrangement that splays away from the rear façade of No 49.
6. Owing to the difference in ground level between No 47 and No 49 the proposed conservatory would only slightly extend above the height of the existing boundary fence in the proximity of the exiting rear extension and would be barely noticeable as the height of the roof decreases towards its rear elevation. As a consequence of this factor and its angled position away from the rear windows of No 49 it would not cause an unacceptable sense of enclosure nor cause any material loss of outlook for the occupants of the ground floor flat at No 49.
7. The Council's adopted Supplementary Planning Document - Residential Extensions, Basements and Conversions Guidance (2016) suggests that planning permission will not usually be granted where the proposal is to add a conservatory to the rear of an existing extension. However, given the locational and design factors in this case, and the absence of any identified significant harm, I consider that the appeal proposal constitutes the circumstance where a small conservatory to the rear of the existing extension would be acceptable.
8. Taking the above factors into account, the proposed development would not cause demonstrable harm to the living conditions of the occupiers of the ground floor flat at No 49 Gregory Crescent with particular regard to outlook and sense of enclosure. Consequently, there would be no conflict with Policy DH(b) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014). This policy, amongst other things, indicates that planning permission for extensions of buildings will only be permitted where it can be demonstrated that there would be no unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight or sunlight they receive or resulting in an unneighbourly sense of enclosure.

Conditions

9. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

10. The Council has suggested a condition requiring that the constructional materials of the conservatory should closely match those of the existing building which is red brick construction. The application form states that the conservatory would be constructed in white uPVC with a polycarbonate sheet roof which is a common form of construction materials used in conservatories that would not be inappropriate in this case. As only brickwork would be provided on the plinth of the conservatory, I have amended the Council's suggested condition to be relative to this element of the constructional materials in order to protect the character and appearance of the area.

Conclusion

11. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR