
Appeal Decision

Site visit made on 27 June 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 13th July 2017

Appeal Ref: APP/N5660/D/17/3172669
2 Bodiam Road, London SW16 5DZ

- 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 Sophie Khan against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06014/FUL, dated 19 October 2016, was refused by notice dated 9 February 2017.
 - The development proposed is erection of a double storey side and single storey rear (3m) extension including removal of existing chimney. Single storey rear extension to have tiled pitched roof.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a double storey side and single storey rear (3m) extension including removal of existing chimney. Single storey rear extension to have tiled pitched roof at 2 Bodiam Road, London SW16 5DZ in accordance with the terms of the application, Ref 16/06014/FUL, dated 19 October 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: existing and proposed plot layout P-04 Rev E (05-02-17), existing and proposed layouts P-03 Rev E (05-02-17), existing and proposed elevations P-02 Rev E (05-02-17), existing and proposed elevations P-01 Rev E (05-02-17) and OS map (unnumbered).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The submitted plans were amended during the course of the application setting down and setting back the two storey side extension and reducing the pitch of the single storey rear extension. I have therefore considered the appeal on the basis of the amended plans against which the Council determined the application.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring property.

Reasons

4. The appeal property is a two storey end of terrace dwelling located within a residential area comprising dwellings of a similar character with a variety of alterations and extensions.
5. The Council does not have any concerns in relation to the design of the proposal or the impact of the two storey side extension on the amenity of neighbouring residents. From the information before me and my observations on site I have no reason to conclude otherwise.
6. The proposed single storey rear extension would occupy the full width of the property, abutting the common boundary and projecting approximately 3 metres. The neighbouring property, 4 Bodiam Road, has a small rear opening to what appeared to be a kitchen, set in from the common boundary allowing a small separation distance. Although the Council assert that the '45 degree rule' is failed on both plan and elevation in relation to the glazed opening within the neighbouring residential property, I am unable to ascertain from the information before me whether this is the case or not. Nonetheless, I consider that the proposed single storey extension would be sufficiently separated from this opening and of a depth and height that would not be overbearing in relation to the neighbouring property. For these reasons and by virtue of the orientation of the appeal property relative to No 4, the proposal would not have an unduly harmful impact on levels of daylight or sunlight.
7. I therefore conclude that the proposal would not cause unacceptable harm to the living conditions of the occupants of the neighbouring property and would not conflict with Policy Q2 of the Lambeth Local Plan (2015) which seeks, amongst other things, to ensure that development preserves the visual amenity from adjoining sites, provides adequate outlook and does not have unacceptable impacts on levels of daylight or sunlight.

Conclusion

8. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR