
Appeal Decision

Site visit made on 27 June 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/A5840/W/17/3172978

3 & 5 Chadwick Road, London, SE15 4RA

- 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 Emma Kavanagh and Helen Orr against the decision of the London Borough of Southwark.
 - The application Ref 16/AP/4564, dated 8 November 2016, was refused by notice dated 9 January 2017.
 - The development proposed is a two storey rear extension (3 Chadwick Road) and a first floor rear extension with one sash window to the rear (5 Chadwick Road).
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Procedural Matter

1. The appellant has submitted a Sunlight and Daylight Study, which assesses the relationship between No. 3 Chadwick Road and No. 1 Chadwick Road, and which was submitted as part of the Grounds of Appeal. The Study responds to the Council's second reason for refusal, and I am satisfied relates directly to the scheme which was considered by the Council, and is reasonable in its scope in providing part of the technical response to the Council's refusal. I am also satisfied that the Council has had the opportunity to consider the technical submission, and I therefore accept the submission of the Study.

Decision

2. The appeal is allowed and planning permission is granted for a two storey rear extension (3 Chadwick Road) and a first floor rear extension with one sash window to the rear (5 Chadwick Road) at 3 & 5 Chadwick Road, London, SE15 4RA in accordance with the terms of the application, Ref 16/AP/4564, dated 8 November 2016, subject to the conditions below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 16198_PLN_06 – Revision A, 16198_PLN_06 – Revision 0, 16198_PLN_07 – Revision A, 16198_PLN_07 – Revision 0, 16198_PLN_08 – Revision A, 16198_PLN_08 – Revision 0, 16198_PLN_09 – Revision A, 16198_PLN_09 – Revision 0, 16198_PLN_10 – Revision A, & 16198_PLN_11 – Revision A.
 3. The materials and finishes to be used in the construction of the external surfaces of the extensions hereby permitted shall not be otherwise than as
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described and specified in the application and on the drawings hereby approved.

Main Issue

3. The main issue is whether the proposed development would safeguard the living conditions of the neighbouring occupiers of Nos. 1 & 7 Chadwick Road, having regard to outlook, and daylight and sunlight.

Reasons

4. The appeal properties are adjoining unlisted two-storey terraced dwellings set within a largely residential area, and within the Holly Grove Conservation Area. The existing dwellings incorporate traditional materials, and it is indicated that many of the properties within the street have been extended and altered to the rear, which I was able to observe on nearby properties to the appeal sites.
5. I have carefully considered the Council's contention that the effect of the proposed extensions to the appeal properties would, as a consequence of the scale, height and proximity of the extensions to neighbouring properties, result in an adverse impact on the available outlook at the rear of the properties, through an unacceptable sense of enclosure. In this respect, the Council has drawn my attention to the 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document (the Residential Design SPD). In particular, I have been referred to the guidance on rear extensions where it is advised that rear extensions should normally be no more than 3 metres in depth and 3 metres in height to prevent a feeling of enclosure.
6. I have noted and would agree with the Council's acceptance that an assessment of sense of enclosure and outlook necessarily entails some degree of judgement. In this respect, I have been mindful of the guidance set out within the Residential Design SPD regarding the normal maximum depth and height of extensions so as to avoid a sense of enclosure. However, whilst I accept that the existing outlook available to neighbouring properties would undoubtedly be effected by the proposals, I am satisfied that a reasonable level of outlook would be maintained from rear windows, with a sense of enclosure avoided as a consequence of the resultant two-storey elements of the proposals being set 1.72 metres & 1.87 metres away from the shared boundaries. Furthermore, whilst I accept that the proposed single-storey extension to No. 3 Chadwick Road would exceed 3 metres in depth, it would not exceed 3 metres in height on the boundary, being shown as 2.4 metres, and therefore only marginally over the existing boundary fence height.
7. In respect of the outlook from side windows in the rear outriggers, I am satisfied that whilst they would also undoubtedly experience changes, any worsening of outlook would not be so significant as to be unacceptable in the context of existing levels towards boundary fences at relatively close proximity, and neighbouring two-storey development beyond.
8. Turning to matters related to daylight and sunlight, the reason for refusal expresses particular concern over the impact of the proposed extensions to No. 3 Chadwick Road on the ground floor window set within the side elevation of the rear outrigger of No. 1 Chadwick Road. I note that the Council has accepted that its identification of the ground floor window should have been as a set of French doors, which was accurate as viewed at the site visit.

9. On the basis of the orientation of the affected doors from the proposed extension, I would agree with the conclusion of the Study that the critical time where the French doors would be affected by a loss of sunlight would be during the afternoon period in the summer months. I am also mindful that the existing boundary wall, single-storey rear outrigger at No. 3 Chadwick Road, and two-storey rear outrigger at No. 5 Chadwick would already have a certain degree of impact on available levels of sunlight.
10. I accept that the proposed first floor extension would undoubtedly worsen the level of available sunlight to the French doors. Nevertheless, from my observations on the site and the evidence before me, the affected French doors at No.1 Chadwick Road would appear to serve as an additional source of sunlight and daylight to the ground floor accommodation, which also benefits from three substantial full-height glazed doors/panels at ground floor on the south-facing elevation of the outrigger. I am therefore satisfied that any impact on sunlight available to neighbouring occupiers at No. 1 would be acceptable.
11. In respect of the impact on levels of daylight, I have noted the conclusions of the assessment that the proposals would meet the requirements of the 45° test as set out in the Residential Design Standards, but would not pass the 25° test. However, I am satisfied that the scale of the ground floor infill element of the proposals would not result in a significant impact on existing levels of available daylight to the ground floor accommodation, and that the extent and set-back from the boundary of the two-storey element of the proposals would not in this instance result in an unreasonable impact on daylight.
12. With regards the impact on the available daylight and sunlight to No.7 Chadwick Road, I note that the appellant has submitted a Sunlight and Daylight Study which formed part of a subsequent second refused application (*LPA ref. 17/APP/0141*), solely for the proposed extensions at No. 5 Chadwick Road. The assessment demonstrates that the proposed extension to No. 5 Chadwick Road would create some additional shadowing. However, the calculations and measurements indicate that this would be limited to the rear window and nearest side window of No. 7 Chadwick Road during mornings of the spring months, between 8.00am and 10.00am only. Furthermore, I note that the assessment recommends that to mitigate against the loss of any levels of ambient light, that the external surfaces of the side elevation be painted white in order to increase the strength of reflected light. I consider this to be a reasonable mitigative response, and whilst I accept that there would be some adverse impact on sunlight and daylight available to No. 7 Chadwick Road, I consider that this would be within acceptable parameters.
13. For the above reasons, I am satisfied that the proposed development would safeguard the living conditions of the neighbouring occupiers of Nos. 1 & 7 Chadwick Road, having regard to outlook, and daylight and sunlight. As such there would not be conflict with Strategic Policy 13 of the Southwark Core Strategy 2011, and Saved Policy 3.2 of the Southwark Plan 2007, or the Residential Design SPD. These policies and guidance seek to ensure that development sets high standards for reducing and avoiding amenity problems that affect how we enjoy the environment in which we live, whilst preventing development which would cause a loss of amenity to present occupiers in the surrounding area, including in respect of a loss of sunlight and daylight, and the introduction of a feeling of enclosure.

Other Matters

14. In exercise of planning functions, I am mindful that I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
15. The appeal properties are indicated to be within the Holly Grove Conservation Area Character Appraisal to be within *Sub Area 3 – Blenheim Grove, Chadwick Road and Choumert Road*, of the Holly Grove Conservation Area. It is the linear street pattern, and consistency of two-storey scale and detailing, which are identified as part of the significance of the heritage asset, as well as the reinforcement of the residential street character by front boundary treatments and avenue tree planting.
16. The Council has identified that a part of the character of the rear of the group of 6 terraced properties (1-11 Chadwick Road) within which the appeal property resides, is the persistence of either full-depth or partial-depth two-storey outriggers, with No. 3 Chadwick Road the only single-storey outrigger. In this respect, I would agree with the Council's conclusion that the proposed extensions would not be contrary to the existing form and character of development within the conservation area, and I also accept that the extensions would not be visible from Chadwick Road itself. I am therefore satisfied that the proposed development would preserve the character and appearance of the conservation area.
17. I have had regard to the Council's reference to previous rear extensions within the group of terraced properties (1-11 Chadwick Road), and that these should not form a precedent in support of the acceptability of future development. Whilst I have had regard to the existing extensions as viewed on the site visit, and in the details which have been submitted by the appellant with the appeal, for the reasons I have set out above, I am satisfied that the proposed extensions are in any event acceptable. The existing extensions in the vicinity have not therefore had any significant bearing on my decision-making in this instance, which has been restricted to the planning merits of the proposals.

Conditions

18. In addition to the standard conditions, a condition securing the use of materials and finishes as specified within the application would be necessary in order to safeguard the living conditions of neighbouring occupiers, and the preserve the character and appearance of the Conservation Area.

Conclusion

19. For the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR