
Appeal Decision

Site visit made on 26 July 2017

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 23 August 2017

Appeal Ref: APP/A5840/C/16/3162604
83 Holmdene Avenue, London SE24 9LD

- The appeal is made by Amit Patel under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 16/ENF/0191) issued by the Council of the London Borough of Southwark on 10 October 2016.
 - The breach of planning control alleged in the notice is "the construction of a single storey rear extension and construction of a combined rear dormer and alterations to the roof of the outrigger at the Property as shown on the photographs in Appendix 1" to the notice.
 - The requirements of the notice are as follows: -
 - "5.1 Remove the rear dormer extension.
 - 5.2 Remove the recently constructed element of the rear wall of the outrigger from the Property to leave the original form of the outrigger with visible slope and pitched roof and not squared off as presently constructed.
 - 5.3 Reinstate the roof of the outrigger to its original height and form with materials to match the original work before the dormer roof extension had been constructed;
 - 5.4 Demolish the ground floor rear and side extension.
 - 5.5 Remove from the Property any material and debris arising from compliance with the requirements of 5.1, 5.2, 5.3 and 5.4 above."
 - The period for compliance with these requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g).
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the construction of a single-storey rear extension and the construction of a combination of a rear dormer and alterations to the roof of the outrigger at 83 Holmdene Avenue, London SE24 9LD, subject to the following condition: -

Within one month of the date of this decision a scheme for the lowering of the parapet wall above the flat roof on the north-eastern elevation of the outrigger shall be submitted in writing to the local planning authority for their written approval. The approved scheme shall be carried out as approved within three months of the local planning authority's written approval.

Reasons for the decision

Ground (a)

2. The main issues in deciding whether planning permission should be granted for the development enforced against concern (a) its effect on the appearance of the house and the terrace of which it is part and (b) its effect on the residential amenities of the occupiers of the adjoining house, 81 Holmdene Avenue.
3. The Southwark Plan (2007) saved policies encourage high quality design when alterations are made to dwellings and seek to prevent a loss of amenity occurring. The Supplementary Planning Document "Residential Design Standards" (SPD) issued by the Council contains advice about these matters.
4. As to issue (a), the Council acknowledge that the surrounding area has houses with ground-floor rear extensions, dormers and roof extensions, but they have concerns about the particular development that has been carried out here. They state that the materials used in the ground-floor extension do not match the house. The combined roof alterations, they maintain, are dominant and not subservient and fail to respect the original design of the house or the integrity of the terrace. They point out that the outrigger's original roof slope has been lost and that a squared-off rear parapet wall has been erected.
5. The Council's case keeps to the advice in paragraph 3.4 of the SPD that an "extension should read as if it were part of the original dwelling". The paragraph continues, however: "Where a different approach is taken, the design and composition should be successful. It should retain or restore existing features that are important elements in the townscape or that contribute to the architectural integrity of proportions of a building or group of buildings. ... In some circumstances a contrasting modern design can be successful."
6. The development is at the rear of the house, where it has little impact beyond its immediate surroundings and does not harm the terrace as a whole. No elements of townscape have been lost and I do not consider that the original roof slope of the outrigger was an important feature. The brickwork is a reasonable match. The roofs are flat and therefore cannot match the pitched roofs. The patio doors on the ground-floor extension and the second-floor inward-opening doors reflect contemporary styles. The squared-off parapet wall is incongruous, however, but in my view the design and composition are otherwise successful.
7. As to issue (b), the Council's concerns focus on the ground-floor extension. They maintain that, because of its height and position on the boundary, it has an overbearing effect on No 81 and results in loss of light and a heightened sense of enclosure.
8. The test in paragraph 3.4 of the SPD is that the development should "Not unacceptably affect the amenity of neighbouring properties. This includes ... outlook, daylight and sunlight".
9. The ground-floor extension is about 2.87m high on the boundary with No 81, and therefore about 0.87m higher than the permitted height of a boundary wall. No 81 has a door that opens up on to the space between the ground-floor

extension and No 81's outrigger. The ground-floor windows on the side of No 81's outrigger that face the ground-floor extension are understood to be secondary windows.

10. My assessment of the impact of the ground-floor extension on No 81's amenities, taking into account my own observations at the site visit and the BRE Client Report obtained by the appellant, is that the ground-floor extension has resulted in the occupiers of No 81 experiencing a slightly greater sense of enclosure and a small loss of daylight and sunlight. I do not consider the effect to be unacceptable within the meaning of the SPD.
11. My overall conclusion, therefore, is that the development is acceptable with the exception of the incongruous squared-off parapet wall above the flat roof on the north-eastern elevation of the outrigger. This disrupts the appearance of the top of Nos 83 & 85's outriggers more than is necessary to construct the flat roof. There are no structural or safety reasons why it has been built up to its current height. If it were lowered to around the height of the flat roof, my concerns about it would be removed. I have therefore granted planning permission for the development subject to a condition requiring this to be done. The appeal has succeeded on ground (a).

Grounds (f) and (g)

12. The enforcement notice has been quashed as a result of the success of the appeal on ground (a). Grounds (f) and (g) no longer fall to be considered.

D.A.Hainsworth

INSPECTOR