



Appeal Decision

Site visit made on 4 October 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 17th October 2017

Appeal Ref: APP/C5690/D/17/3179778

134 Breakspears Road, London SE4 1UA

- 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 Mr Nicholas Morss against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/17/101003, dated 3 April 2017, was refused by notice dated 14 June 2017.
 - The development proposed is conversion of existing roof into habitable space including erection of rear dormer window and installation of new sloping rooflights in side elevation plus erection of single storey ground floor level extension to rear and side of existing family house; replacement of existing sliding sash windows.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing roof into habitable space including erection of rear dormer window and installation of new sloping rooflights in side elevation plus erection of single storey ground floor level extension to rear and side of existing family house; and replacement of existing sliding sash windows at 134 Breakspears Road, London SE4 1UA in accordance with the terms of the application, Ref DC/17/101003, dated 3 April 2017, subject to the following conditions:
 - 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: Location Plan, 16580/03, 16508/04, 16508/05 Rev E, 16580/06 Rev C, APL-100, APL-101, APL-102 and APL-103.
 - 3) No development shall commence on site until samples of the milled lead cladding to be used on the rear dormer and red cedar treated timber wall cladding system to be used on the single storey rear extension have been viewed on site, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved samples.
 - 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no door providing access to the roof of the ground floor extension hereby permitted shall be constructed, nor shall the roof area of the ground floor extension hereby permitted be used as a balcony, roof garden or similar amenity area.

Main Issue

2. The main issue is the effect of the ground floor level extension on the living conditions of the occupiers of the neighbouring property at No 136.

Reasons

3. The adjacent house at No 136 has a window and two sets of patio doors at ground floor level on the elevations nearest to the appeal site. Due to a gap of around one metre between the extension and the boundary, a greater gap between the boundary and the neighbour's window and glazed doors, and the modest height of the extension, I do not consider it would significantly affect the outlook from the neighbouring house or the daylight received in it, even accounting for the slight difference in levels between the two properties. My view is supported by the officer's report which states that sufficient daylight would reach these openings and that the effect on outlook is mitigated by the boundary treatment which measures around two metres in height.
4. The part of the neighbour's garden closest to the extension is a patio containing a table and chairs so is clearly used for sitting out. However, for the same reasons as set out above, I do not consider the extension would appear overbearing from this patio and so any impact on the amount of daylight received here or any sense of enclosure would be minimal. The officer's report agrees that any impact on the outdoor area would not be significant, given that the majority of the long rear garden is unaffected.
5. I note that the extension would be as close to the neighbouring property as the previously refused application¹. Nonetheless as I do not consider the extension would adversely affect the outlook or light at No 136, I conclude that the development would not harm the living conditions of its occupiers.
6. The Council raise no objection to the other proposed works including the like for like replacement of the windows, a rear dormer, rooflights and sun tubes. I have no reason to arrive at a different view. Also no objection is raised in respect of the impact of the development on the Brockley Conservation Area (BCA). I agree that due to the small scale of the alterations, the character and appearance of the BCA would be preserved.
7. Consequently the development would accord with Policy 15 of the adopted Core Strategy which requires development to be sensitive to local context, and DM Policy 31 of the Development Management Local Plan which aims to ensure extensions result in no significant loss of amenity to adjoining properties.

Conditions

8. I have considered those conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (the 'Framework'). Where necessary, in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
9. In accordance with the advice in the PPG and the Framework I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty. I have

¹ Ref No. DC/16/099151

also attached a condition requiring the submission of samples of finishing materials prior to the commencement of development so that the effect of the development on the character and appearance of the area is properly managed. The condition relating to the use of the extension's roof is necessary in order to protect the privacy of the neighbouring residents.

10. The suggested condition relating to the side facing rooflight is not precise in respect of its use of the term 'conservation style' and so would not meet the tests set out in paragraph 206 of the Framework. Notwithstanding this, the rooflights are accurately shown on the approved plans.

Conclusion

11. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR