
Appeal Decision

Site visit made on 31 October 2017

by Mr Kim Bennett DipTP MRTPI

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

Decision date: 13 November 2017

Appeal Ref: APP/E5330/D/17/3181842
42 Glenluce Road, Blackheath SE3 7SB

- 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 Michael Kitching against the decision of the Council of the Royal London Borough of Greenwich.
 - The application Ref 17/1016/F, dated 26 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is the retention of a single storey rear extension and decking.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a single storey rear extension and decking at 42 Glenluce Road, Blackheath SE3 7SB in accordance with the terms of the application, Ref 17/1016/F, dated 26 March 2017, subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: 0316.3020.LBD; 0316.3021.LBD; 0317.3022.LBD; 0315.3022.LBD; 0315.3023.LBD; 0315.3024.LBD; 0315.3025.LBD; 0315.3026.LBD; 0315.3027.LBD

Procedural Matter

2. The description of development on the application form was somewhat descriptive, going into some detail to explain the background to the development. In the interests of clarity therefore, I have used the description of development on the Council's decision notice in my formal decision above.

Main Issue

3. The main issue is the effect of the development upon the living conditions of the occupiers of the adjoining residential property, No 40 Glenluce Road.

Reasons

4. The appeal property comprises a semi-detached house located on the eastern side of Glenluce Road. Because of the street topography which slopes downwards at this point in a broadly south to north direction, the garden level of the adjoining semi-detached property, No 40, is approximately 760mm higher than that of the appeal property. Similarly, the garden of the appeal

property is at a higher level than the adjacent property to the north, No 44. The site forms part of the Westcombe Park Conservation Area.

5. Planning permission was granted in 2015 for a single storey rear extension¹ and the works have since been completed. However, it transpired that it had not been built in accordance with the approved plans in respect of the removal of a boundary wall, the insertion of a rooflight and installation of a decked area at the rear of the extension. The current proposal seeks to retain the works as built.
6. The Council considers that the decked area has resulted in overlooking to the adjoining neighbours at No 40 to the detriment of their residential amenity.
7. I noted that because of the topography and the tight relationship between buildings, there is already some intervisibility between rear garden areas, either from within gardens themselves or from first floor rear facing windows. I also noted that the garden of No 40 is somewhat directly overlooked by a large rear ground floor window at No 38. Such situations are not uncommon in a high density urban situation and are part of the character of those areas.
8. The rear garden of No 42 slopes gradually away to the east so that from within the garden itself, there is no overlooking at all of the adjoining rear garden at No 40. Along the rear common boundary between the two properties, there is a fence approximately 1300mm high which sits on top of the retaining wall to the garden of No 40. The latter is 760mm high from the side of No 42. I am slightly above average height and standing on the deck of No 42, I was only just able to see the rear garden of No 40 and with no direct overlooking views into it from a normal eye line. Similarly, views towards the ground floor rear window of No 40 were largely obstructed by the wall of the extension.
9. Given the above, and the context of some degree of existing intervisibility between gardens as noted, I am satisfied that the decking has not resulted in any significant loss of residential amenity to the occupiers of No 40.
10. I note from the representation from the occupiers of No 40 that their primary objections appear to be the loss of the boundary wall, concerns about possible encroachment and also the foundations of the new extension. However, as the Council notes such matters are either civil matters to be pursued between the parties, or fall within the ambit of Building Regulations, and as such are not matters for my consideration in the context of this appeal.
11. Because of its location within the Conservation Area, I have had regard to the statutory duty to preserve or enhance the character or appearance of the area. The extension and decking has been well designed with brickwork of the extension matching that of the existing house. I also see no objections to the insertion of the skylight. The Council raises no objections from a Conservation point of view and I agree with that assessment. I am satisfied therefore that the character of the area has been preserved.
12. For the above reasons, the development is in compliance with Policy DH(b) of the Council's Core Strategy with Detailed Policies 2014, and the adopted 'Residential, Extensions, Conversions and Basements Supplementary Planning Document 2016', in that it does not cause an unacceptable loss of amenity to

¹ Application ref 15/1218/F

the adjacent occupier. A condition requiring the development to be retained in accordance with the approved plans is required in the interests of certainty.

13. Accordingly, subject to that condition, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR