The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2019

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/C5690/D/19/3225446
71 Canonbie Road, London SE23 3AQ

- 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 Firth against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/18/109567, dated 2 November 2018, was refused by notice dated 8 January 2019.
- The development proposed is alteration to existing roof pitches, installation of rooflights and building of new gable to provide additional sleeping accommodation at roof level.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reasons for refusal cite its Residential Standards Supplementary Planning Document (RSSPD). This document has been superseded by the adoption of the Alterations and Extensions Supplementary Planning Document (AESPD) in April 2019. The advice and guidance within the AESPD, that is relevant to this appeal, has not materially altered from that in the RSSPD.

3. Moreover, the National Planning Policy Framework (the Framework) has been revised since the appeal was lodged. However, the relevant sections of the Framework to this appeal have not materially altered. As such, in the circumstances of this case I do not consider that it is necessary to seek the views of the parties in these respects. I am required to consider the appeal on the basis of the current Framework.

Main Issues

4. The main issues are: -

    - The effect on the living conditions of the occupiers of 73 Canonbie Road (No 73) with regards to outlook;
    - The effect on the character and appearance of the host dwelling and the surrounding area.

Reasons

5. The appeal property comprises a detached house located within a mainly residential area. Canonbie Road is characterised by a variety of age and style

of dwellings from bungalows to apartments set within steeply sloping topography.

Living conditions

6. No 73 has a first floor, bedroom window on its side elevation that adjoins the boundary with the appeal site. Even though No 73 is built at a higher ground level than 71 Canonbie Road (No 71) the outlook from that window would still appear to be relatively constrained due to the proximity of a flank wall and a rear corner of No 71. However, there is an area of open aspect above and beyond the hipped roof and rear corner of No 71 when looking towards the rear garden areas.

7. The proposal would replace the existing hipped roof with the gable end of a flat top mansard style roof. The rear roof slope would have a steep pitch and the gable end would appear as an extension of the existing flank wall. As a result, the visible mass of this flank wall would be substantially increased in close proximity to No 73's bedroom window and the open aspect currently available above the hipped roof and rear corner would be significantly eroded. Consequently, I consider the proposal would materially increase the sense of enclosure and would be experienced as oppressive and overbearing by the occupiers of No 73 when in that bedroom.

8. The Council's reasons for refusal do not relate to loss of daylight and sunlight to the bedroom window. Given the submitted technical evidence I have no reason to dispute its findings on these matters. However, a lack of harm in these respects is a neutral consideration that does not weigh for or against the proposal.

9. Given all of the above, I consider that the development would significantly harm the living conditions of the occupiers of No 73 with regard to outlook. It follows that the proposal would conflict, in this respect, with Policy DM31 of the Development Management Local Plan (DMLP) which states, amongst other things, that residential extensions should result in no significant loss of amenity to adjoining houses. It would also conflict with paragraph 127 of the Framework which, amongst other things, states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Character and appearance

10. The proposal would include an increase to the ridge height of the gable on the front elevation, the hipped roof being replaced with a flat top mansard style roof, the insertion of rooflights on the front and rear roof slopes and windows in the gables. The Council have not raised any objection to the front gable alterations or the rooflights in the rear roof slope and based on my observations I have no reason to disagree with that finding.

11. The overall height of the proposed roof would be similar to that of the ridge height of the existing roof. However, due to the alterations to the pitches of the front and rear roof slopes the visible extent of the flank walls of the dwelling would be increased. As stated above, the flank wall adjacent to No 73 would substantially increase and whilst, I have found that this increase would harm the living conditions of the occupiers of No 73 it would have little impact

on the character and appearance of the surrounding area due to the close proximity of No 73 and the overall variety of style of dwellings cited above.

12. Nevertheless, the increase to the flank wall adjacent to 69 Canonbie Road (No 69) would be clearly discernible from the public highway as No 69 is a bungalow at a lower ground level. Whilst, the alteration to the front roof slope would only slightly increase the size of flank wall the alteration to the rear roof slope would materially increase it. Nonetheless, the triangular gable window would assist in mitigating the visual impact of that increase as its one side would reflect a similar plane as that of the existing rear roof pitch. In addition, it would occupy the majority of the additional area to this part of the flank wall. Consequently, I do not consider that the addition to the roof would appear visually intrusive and the overall architectural integrity of the building would not be harmed.

13. Moreover, I observed that there are numerous dwellings in the vicinity of the appeal site that have large dormer windows within their roofs and windows in their gables that are visible from the public domain. This includes a dwelling on the opposite side of Canonbie Road that can be seen in views with the flank wall of No 71, when travelling up the hill away from the junction with Netherby Road. As such, large additions to roofs and windows within gables form part of the character and appearance of the area. In this respect the proposal would not appear incongruous.

14. The rooflight on the front roof slope would be tall and as a result it would occupy a large proportion of the height of the front roof slope. In addition, the rooflight is shown to be a Velux Cabrio Balcony on the submitted plans. In my experience, this type of rooflight opens with the upper part being top hung and the lower part pivoting at the bottom and includes railings at the sides to effectively form a small balcony. The use of this type of rooflight would divert attention from the attractive architectural style of the front elevation of the host dwelling. As such, in this respect it would harm the character and appearance of the host dwelling. However, the detail of the type of rooflight to be used could be controlled by the use of a planning condition if I was minded to allow the appeal and that would mitigate this harm.

15. The rooflight would not align with the fenestration on the lower floors of this part of the front elevation. It would generally be expected that to achieve high quality design fenestration should align over the floors of a building. However, in this case the existing fenestration on the front elevation does not align between the ground and first floors. Therefore, the alignment of the rooflight would not appear incongruous on this dwelling.

16. Even though the roof light would be tall I noted that there are numerous examples in the surrounding area of tall rooflights on front and side facing roof slopes. Moreover, in some cases there are a large number of rooflights occupying the majority of those roof slopes. Consequently, the size of the rooflight would be in keeping with the local context.

17. Taking into account all of the above, I consider that the proposal would not appear incongruous and would not harm the character and appearance of the host dwelling and the surrounding area. It follows that the proposal, in these respects, would not conflict with Policy 15 of the Core Strategy and DMLP Policies DM30 and 31 which, amongst other things, seek to ensure that development is of the highest quality design and respects the setting and

architectural characteristics of the original building. It would also comply with the advice and guidance in the AESPD which, amongst other things, states that the architectural character and setting of the original building must be respected.

Conclusion

18. I have found that the proposal would conflict with DMLP Policy DM31. This policy pre-dates the publication of the current version of the Framework. However, paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised Framework. Taking into account this paragraph, I consider that this policy is consistent with the revised Framework. Consequently, the conflict with it has full weight.

19. The harm that would be caused to the living conditions of the occupiers of No 73 with regard to outlook leads me to conclude that the proposal would conflict with the development plan as a whole. In accordance with S38(6) of the Planning and Compensation Act 2004 development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. There are no material considerations to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.

20. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR