
Appeal Decision

Site visit made on 9 July 2019 by Ifeanyi Chukwujekwu BSc MSc PIEMA RTPI (Assoc)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/A5840/D/19/3229693

161 Simms Road, London, SE1 5QJ

- 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 Paul Newsome against the decision of the Council London Borough of Southwark.
 - The application Ref 19/AP/0251, dated 15 January 2019, was refused by notice dated 26 March 2019.
 - The development proposed is construction of a two-storey extension to the rear of the existing rear outrigger.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The reason for refusal refers to the potential effect of the proposed development upon the neighbours. The main issue is the effect of the development upon the living conditions of occupants of No. 159 Simms Road with regards to light, outlook and overlooking.

Reasons for the Recommendation

4. No. 161 is a two-storey mid-terrace house. It is located on the northern side of Simms Road. It is bounded by No. 163 to the east, a leisure facility to the north, and No. 159 to the west. No. 161 is not a listed building, but Simms Road falls within the Thorburn Square Conservation Area. The proposal would not have an effect upon the character or appearance of the Conservation Area.
5. The proposed development would include a first-floor terrace located above a section of the ground floor extension's roof. Given the proximity of the terrace to No. 159, views direct into the garden and ground and first floor windows would be introduced. This would result in overlooking and subsequent loss in privacy due to the elevated location of the terrace. Additionally, the two-storey rear extension would introduce bulk and mass to the host property. Its location and proximity to the neighbour's rear elevation would result in its rear garden

- being surrounded and enclosed. Outlook from the rear elevation and within the garden would be affected given the scale of the extension.
6. The Council has drawn attention to the daylight and sunlight test described within the 2015 Technical Update to the Residential Design Standards Supplementary Planning Document, which is applied to determine the impact on new development on neighbouring properties. Given the position of the proposed development, together with its depth and massing, the development would breach the 45-degree line. That is at odds with the SPD. The development would result in overshadowing due to the extent of the extension.
 7. The appellant argues that the proposal is similar in design to already consented proposed extension at No. 163. Similarity in design does not necessarily translate to similar effects on occupants of neighbouring properties, which is the main reason for refusal of this application. Nevertheless, it is necessary to consider the merits of the appeal development. In that context, the scheme would be harmful to the living conditions of the residents of No. 159 given the overall bulk, massing and position relative to the adjacent property.
 8. I find that the proposed development would materially harm the living conditions of the residents of No.159 with regard to light, outlook and overlooking contrary to the objectives of policies 3.2 of the Southwark Local Plan (2007), Policy 7.6 of The London Plan, and guidance within the Council's SPD.

Conclusion and Recommendation

9. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

Appeals Planning Officer

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR