



Appeal Decision

Site visit made on 10 July 2019

by Mr Kim Bennett DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/L5240/D/19/3229496
87 Sandown Road, London SE25 4XD

- 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 Mrs Anna Kouma against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/00369/HSE, dated 28 January 2019, was refused by notice dated 1 March 2019.
 - The development proposed is the erection of a single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form described the proposed development as a 'wrap around' extension. However, I consider that the description of development on the decision notice more accurately reflects the scope of the proposed works and I have therefore adopted that wording in my formal decision above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 89 Sandown Road.

Reasons

4. The appeal site comprises a mid-terrace two storey property located on the northern side of Sandown Road. It has a two storey projection at the rear which is inset from the common boundary with No 89 Sandown Road, but adjoins the common boundary with the neighbouring property on the opposite side, No 85 Sandown Road. At the time of my visit a rear dormer extension was being constructed which does not form part of the appeal proposal.
5. No 89 Sandown Road has a similar two storey rear projection which is inset from the rear common boundary with the appeal site. Adjoining that boundary in the rear ground floor is a living room window which faces towards the rear garden.
6. The appellant argues that the outlook from the rear living room window of No 89 is already restricted, and with the flank wall of the extension projecting only 80 cm above the boundary fence, there would only be a marginal increase in the sense of enclosure. However, having carefully assessed the proposed relationship from the rear garden of the appeal site, I consider that the

extensive depth of the proposed extension along that boundary at just over 6 metres, coupled with an increase in height to 2.8 metres for the whole of that depth, would undoubtedly result in a significant increase in the tunnelling effect when viewed from the rear window of No 89. Whilst there would be no loss of light, given the single storey nature, or loss of sunlight, I consider there would be a further loss of outlook and significant increase in the sense of enclosure, which would harm the living conditions of the occupiers of that property.

7. I acknowledge that the window serves a 'through room' in No 89 with a further window at the front, but that does not alter my finding since it is the loss of outlook to the rear which is the issue. I also acknowledge that there have been no objections from the occupiers next door, but that in itself does not justify a development which is unacceptable in other respects.
8. The appellant has referred to a number of appeal decisions elsewhere in London where Inspectors have reached different findings on apparently similar schemes. The full details of those cases are not before me and such issues have to be decided on individual site circumstances and particular relationships of the properties involved. Accordingly, they have not been decisive in my findings above, which I have reached on the specific site relationship between No 87 and 89 in this instance.
9. The appellant also refers to the Council's guidance of restricting rear extensions to 3 metres in depth, as being out of date since the Government now allows extensions of 6 metres in depth. However, the latter is subject to a prior approval process, where amenity considerations are initially taken into account through a consultation process, rather than being an unrestricted permitted development right.
10. The appellant also argues that under other permitted development provisions, an extension of 3 metres in depth and 3 metres to the eaves could be constructed alongside the rear common boundary with No 89. As such, it should be regarded as a fallback position. I only give that limited weight, since there is no clear evidence before me that such an option would be pursued given that the internal living arrangement would need to be significantly altered from the current proposed arrangement. Even if it were however, an extension of 3 metres in depth in such an enclosed position, would have a significantly less harmful effect on the outlook from the rear of No 89 than the proposed extension of 6 metres in depth.
11. The Council has raised no objections to the proposed design of the extension, nor to any adverse effect upon the occupiers of No 85 Sandown Road, and having considered those issues at my site visit, I see no reason to disagree.
12. I acknowledge that the proposed accommodation would provide more flexible living accommodation for the appellant but in this instance, I have given greater weight to the harm that would be caused to the living conditions of the occupiers of No 89 Sandown Road. As such, the proposal would be in conflict in particular with Policy DM10.6 of the Council's Local Plan 2018 and Policy 7.6 of the London Plan 2016 in that the development would not protect the amenities of occupiers of adjoining buildings. Accordingly, the appeal is dismissed.

Kim Bennett INSPECTOR