



Appeal Decision

Site visit made on 16 July 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/C5690/W/19/3227972

Ground Floor Flat, 7 Ewhurst Road, London SE4 1AG

- 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 Tom Main against the decision of London Borough of Lewisham Council.
 - The application Ref DC/19/110909, dated 8 February 2019, was refused by notice dated 17 April 2019.
 - The development is 'proposed outbuilding to rear garden of ground floor flat'.
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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 main issue is the effect of the proposed outbuilding on the living conditions of the occupiers of 48 Salehurst Road with regard to outlook.

Reasons for the Recommendation

4. The proposed outbuilding would be positioned on the rear boundary of the garden at the appeal site and would span the full width of the southern boundary of the garden of the neighbouring property at 48 Salehurst Road. It would project significantly above the existing fence on this boundary and also above a 2m fence as proposed by the appellant. The garden at No. 48 is very small and the proposal's width, along the entire southern boundary, when combined with its height, would lead to an unacceptable sense of enclosure to the users of this neighbouring garden. Also the close proximity of the development to the rear windows of 48 Salehurst Road, would result in the outbuilding appearing overbearing when seen from inside the dwelling. On this basis, unacceptable harm to the outlook of the occupants of No. 48 would occur which would be to the detriment of their living conditions.
5. Therefore the outbuilding would be contrary to Policy 15 of the Core Strategy Development Plan Document (June 2011) which seeks to ensure development is designed in a way that is sensitive to the local context. It would also be contrary to DM Policy 30 and 31 of the Development Management Local Plan

(November 2014) which seek to ensure development creates positive relationships with the existing townscape and ensures that residential alterations should result in no significant loss of amenity to adjoining houses and their back gardens.

6. The Council also refer in their Decision Notice to the Draft Alterations and Extensions Supplementary Planning Document (SPD) (December 2017). However, the section in the SPD on outbuildings states that it only applies to development that is not ancillary to the main building, so is not applicable in this case.

Other Matters

7. The appellant's reasons for wishing to construct the outbuilding are noted, but little weight can be attached to such personal circumstances. Also the lack of objections from any neighbouring residents does not lend positive weight to the development.
8. The appellant suggest were the property a dwelling, the proposal would be permitted development. Nonetheless, I must consider the proposal on its own planning merits and not what might be the case were the dwelling a different form of accommodation.

Conclusion and Recommendation

9. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR