



Appeal Decision

Site visit made on 17 July 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/C5690/W/18/3219540

88 Charminster Road, Grove Park, London SE9 4BT

- 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 Joshua Marriott against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/107999, dated 1 July 2018, was refused by notice dated 24 September 2018.
 - The development proposed is single storey rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the host building; and
 - living conditions of neighbouring occupiers with regard to outlook and future occupiers with regard to private outdoor amenity space.

Reasons

Character and appearance

3. Policy 15 of the Lewisham Core Strategy 2011 (the CS) states new development should be of a high design quality. Policies 30, 31 and 32 of the Lewisham Development Management Local Plan 2014 (the LP) deal with how proposals should respond to and reflect local character and design, alterations and extensions to existing buildings and housing design, layout and space standards respectively.
4. The Council's Residential Standards Supplementary Planning Document 2006 (the SPD), updated in 2012, also seeks to ensure that a high standard of design is maintained and that proposals complement the existing development, character and townscape of their surroundings. The SPD states that extensions should be smaller and less bulky than the original building whilst reflecting its form and shape. Moreover, extensions should be subsidiary to the main building or structure and where they are over-dominant, extensions may erode or remove the architectural integrity of the existing host buildings.
5. The appellant argues that the proposal would not be an unduly dominant addition to the building as it would not have a significant visual impact on the public highway or be seen to any great extent in the wider area.

6. Notwithstanding this, I find that the proposed extension would significantly increase the footprint of the host property and building. It would include sizeable rear and side additions to the property to such an extent that it would result in a high proportion of the property's plot being covered by it. The extension would double the depth of the host property and building from its front to rear elevations to its rear and would not appear subservient to the original building. Furthermore, the extent, scale, form and bulkiness of the proposed flat roof extension would create an incongruous appearance in relation to the original two- storey, pitched roof building.
7. As such, having due regard to these attributes, I find that the proposed scheme would be a disproportionate, overbearing addition which would not be subservient to the original building. It would therefore be out of keeping with the prevailing design, character and appearance of the host building.
8. Consequently, I conclude that the proposal would have a significant detrimental effect on the character and appearance of the host building. Therefore, it would be contrary to Policy 15 of the CS, Policy 31 of the LP and the relevant guidance set out in the SPD.

Living conditions

9. The appellant argues that the 'stepped in' design of the proposal allows for unchanged views to the rear for occupiers of the neighbouring ground floor flat and similarly from the first floor flat above. In addition, it is stated that the impact on the occupiers of flats Nos. 90 and 92 would be limited due to the existing brick wall adjacent to the boundaries of those properties and the appeal property.
10. I acknowledge the presence of the brick wall and note that the design of the extension would limit the impact of the scheme on the outlook of the occupiers of the neighbouring ground floor flat to the west of the appeal property. However, I find that the overall scale and size of the proposed extension, as submitted, would result in substantive harm to the outlook of neighbouring occupiers. Despite its stepped-in design of the scheme, in my view, its visual and physical impact would create an unacceptable sense of enclosure, particularly for the occupiers of the adjacent ground floor flat. Furthermore, due to its extent, scale and bulkiness, the proposed extension would have an overbearing and substantively adverse impact on the amenity of the occupiers of adjacent first floor flats in terms of outlook and a sense of enclosure.
11. The extent to which the proposed flat roof to the extension would replace existing open garden space would, in my view, erode the existing level of amenity for the occupiers of Nos.82, 84, 86 and 90 Charminster Road. The height and proximity of the roof to first floor window sill level would be significantly harmful and would diminish the open nature of the gardens to the rear of these properties.
12. In addition, I have had regard to submitted Drawing Number 070 PL022 which shows the proposed roof lanterns protruding above the flat roof of the extension. The lanterns are shown to rise above the level of the lowest point of the first-floor windows serving the flat above the appellant's property. As a result, based on that drawing, I find that the proposed roof lanterns would further restrict the outlook of the occupiers of the flat directly above the host property.
13. The appellant indicates that the submitted drawing shows an error and states that the proposal is intended to incorporate flat style roof lights instead. However, no amended plans or drawings are before me to show this to be the case. I accept that amendments to submitted plans may be secured through suitably worded conditions in order to make a proposal acceptable in planning terms. Nevertheless,

in this case, I find the overall impact of the proposed scheme on the amenity of neighbouring occupiers to be so great that the amendments likely to be required through conditions would significantly alter the proposal as submitted. As such, I find that imposing conditions to that end to be inappropriate and unreasonable. As a result, I give limited weight to the appellant's arguments on this matter.

14. Notwithstanding the above, and in any event, I must determine the appeal proposal based on the evidence before me and on its individual merits and circumstances, having regard to all other material considerations. Accordingly, I confirm that I have done so.
15. I now turn to the effect of the proposal on the provision of private outdoor amenity space. The appellant states that the scheme would not significantly reduce the amount of amenity space to the rear of the host property as the garden area is uniquely large for the locality. As such, it is claimed that about 80m² of the appellant's garden would remain once the extension was built which is similar to the space provided in most gardens along Charminster Road. Furthermore, from the details provided, the appellant argues that the proposal would comply with Policy 31 of the LP as it would retain more than 50% of the garden area.
16. From the submitted details, and particularly Drawing Number 070 PL010, it is evident that the extension would result in the loss of more than half of the existing rear garden at the appellant's property. As a result, it would leave only a relatively small and disproportionate area of private outdoor space to serving the property and its future occupiers. Moreover, I find that the shape and layout of the retained garden area would limit its usability and it is also noted that the garden space would have limited accessibility, being solely through the appellant's property.
17. Therefore, notwithstanding the appellant's calculations, based on all of the relevant evidence on this matter and what I have seen on site, I find that the proposal would result in more than half of the garden area being lost to the proposed extension. Furthermore, during my visit, I noted that the submitted plans do not reflect the current position of the boundary fence between the host property and its neighbouring ground floor flat to the west. As such, I have taken account of the appellant's explanation during my visit that this matter is to be resolved with the Land Registry and that the submitted proposal would not be affected by this.
18. Taking account of all above matters, I find that the proposed scheme would have a significant adverse impact on the living conditions of future occupiers of the host property by providing disproportionate private garden space for the host property which would have limited accessibility and usability.
19. Consequently, I conclude that the proposal would have a significant detrimental effect on the living conditions of neighbouring occupiers in terms of a loss of outlook and an increased sense of enclosure and future occupiers in relation to private outdoor amenity space. Therefore, it would be contrary to Policy 15 of the CS, Policy 31 of the LP and the relevant guidance within the SPD.

Conclusion

20. The proposal would not be highly visible from the public highway and therefore it would have a limited visual impact on its surroundings. It would provide additional living space within the appellant's property for them and future occupiers to enjoy and it would be constructed using appropriate materials to match the existing building. However, the proposal would have a significant impact on the amenity of neighbouring occupiers and future occupiers of the property in terms of outlook, an increased sense of enclosure and a reduction of accessible and usable private garden space. Having taken these and all other matters into account, I find that

whilst the benefits of the proposal are acknowledged, these would be clearly outweighed by the significant harm identified.

21. Therefore, for the reasons stated, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR