



Appeal Decision

Site visit made on 2 July 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2019

Appeal Ref: APP/C5690/D/19/3228777

20a Kirkdale, London SE26 4NE

- 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 Miss Helen Anglim against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110346, dated 28 December 2018, was refused by notice dated 28 March 2019.
 - The development proposed is single storey side and rear extensions.
-

Decision

1. The appeal is dismissed insofar as it relates to the single storey side extension. The appeal is allowed insofar as it relates to the single storey rear extension, and planning permission is granted for a single storey rear extension at 20a Kirkdale, London SE26 4NE in accordance with the terms of the application, Ref DC/19/110346, dated 28 December 2018, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subjected to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the rear extension only, shall be carried out in accordance with the following approved plans: Site Location Plan – 1.01.01, 1.11.01A, 1.12.01A, 1.12.02A, 1.12.03A, 1.13.01, 1.13.02, 1.13.03A, 1.14.02A
 - 3) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a 2-storey end-of-terrace house at the end of a row of 16 properties. The properties are set back from the street and are raised above the pavement level. The houses are split into blocks of 8, 6 and 2 and are paired in subgroups of 2 units, with an alternating façade character. Those properties with an 'a' after their street number have a distinctive full width

horizontal fenestration and hung tile panels below. This distinction gives an attractive rhythm to the street scene. The appeal property is bounded by a row of mature trees that sit within the wider grounds of the properties on Otto Close.

4. The row of terraces which contain the appeal property have a relatively straightforward design that, despite some minor differences, are in general harmony with each other in terms of their character and appearance. Due to the layout of the plots, there are no other properties in the row of terraces with a side extension like the one proposed. Despite its set-back from the road, the proposed side extension would still be visible and readily apparent from parts of Kirkdale and Otto Close. Further to this, the style of the proposed windows would not be in keeping with the original pattern of the host property. Whilst the side extension proposes to use similar materials to the host property, the overall design would not be in keeping with the current character and uniformity of the row of terraces and would draw the eye. Whilst reasonably localised in its extent, the effect of the scheme would be to unacceptably diminish the character and appearance of the host property, as the proposed side extension would draw the eye and represent an incongruous feature within the surrounding area.
5. I note that the appellants arboricultural assessment¹ identifies the tree species in and around the property, many of which are of a deciduous nature. Therefore, the mitigation provided by these trees to the side extension during the summer would be greater than during the winter. Whilst, the side extension does benefit from some coverage from evergreens, it would still be visible from parts of Kirkdale and Otto Close.
6. Consequently, I find that the proposed side extension would cause material harm to the character and appearance of the host dwelling. It would be contrary to Policies 7.4 and 7.6 of the London Plan, adopted March 2016, Policy CS15 of the Lewisham Core Strategy, adopted June 2011, Policies DM30 and DM31 of the Lewisham Development Management Local Plan, adopted in November 2014, and the Residential Development Standards Supplementary Planning Document, adopted August 2006 and updated May 2012. These collectively seek to ensure that development respects the character and appearance of the local context.
7. The proposal also includes a single storey rear extension. This would be modest in size and would form part of the boundary to the rear of the existing property at 20 Kirkdale. The rear extension would not be visible from Kirkdale and would not introduce any harm to the character and appearance of the host property and surrounding area. It would therefore comply with Policies DM30 and DM31 of the Lewisham Development Management Local Plan. I note that the Council raised no concerns with this element of the proposal.

Other Matters

8. The appellant has cited other examples of side extensions in other areas which have been approved. I have limited information presented to me about the planning circumstances which led to their approval. In any event, all appeal proposals must be considered on their own individual merits, which is what I have done.

¹ Tree Projects – Report on trees at 20a Kirkdale London SE26 4NE (February 2019)

9. The appellant indicates that the extensions would provide a more flexible, convenient, safe, adaptable and accessible home for its aging occupants, as per Lifetime Homes standards. However, personal circumstances are rarely determinative, and this would not outweigh the harm I have identified that would arise from the side extension.
10. The appellant states that a large part of the proposal would be considered permitted development. Be that as it may, I must determine the appeal proposal before me.

Split Decision

11. As the appeal proposal contains 2 distinct elements, which are both physically and functionally severable, it is within my powers to issue a split decision. I consider a split decision could be undertaken in this case, as is my powers to do so. Whilst neither of the main parties has suggested a split decision, the Council had raised no concerns with one element of the proposal, as such I do not consider that any injustice or prejudice would arise in this case through the issuing of a split decision.

Conditions

12. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In respect of the single storey rear extension, in addition to the standard time limit on the commencement of development, it is necessary to list the relevant plans to provide certainty. A condition to ensure the control over materials is reasonable in the interests of protecting the character and appearance of the host dwelling and surrounding area. I have considered the Council's suggested pre-commencement condition. However, requiring the submission of details of protection measures for the off-site trees, including a construction exclusion zone and protective barriers around the root protection areas, would not in this case be possible as construction is clearly indicated to be required within the root protection area.

Conclusion

13. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should succeed in relation to the single storey rear extension and planning permission be granted with conditions for this element. However, in relation to the single storey side extension, the appeal should be dismissed.

D Peppitt

INSPECTOR