



Appeal Decision

Site visit made on 10 September 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2019

Appeal Ref: APP/N5660/D/19/3228973

5 Clarence Avenue, London SW4 8LA

- 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 Abdul Matin Khan against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/00658/FUL, dated 19 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 5 Clarence Avenue, London SW4 8LA in accordance with the terms of the application Ref 19/00658/FUL, dated 19 February 2019 subject 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 shall be carried out in accordance with the following approved plans; Proposed Plans PL01 Rev 01, Proposed Plans PL02 Rev 01, Proposed Plans PL03 Rev 01, Proposed Elevations PL04 Rev 01, Proposed Sections PL05 Rev 01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, and 2) the living conditions of the occupiers of surrounding properties in terms of privacy.

Reasons

Character and appearance

3. The appeal property is a two storey, semi-detached dwelling. It is located in a predominantly residential area. The property has a driveway at the front that is accessed from Clarence Avenue and a driveway at the rear accessed from Kings Avenue that leads to a garage at the rear of the property.

4. The adjoining semi-detached dwelling, No. 7 Clarence Avenue, has an existing single storey rear extension. The proposed extension projects the same distance from the rear of the appeal property as the existing extension to the adjoining property. The adjacent dwelling, No. 3 Clarence Avenue has an existing detached garage that sits to the side/rear of the property.
5. The proposed extension would not be readily visible from the Clarence Avenue street-scene. In the context of the rear of the property, a garden area would remain, along with the existing garage and the rear driveway. The proposed extension being single storey and projecting approximately 6.6m from the rear of the property, would not dominate the property. Views of the proposal from the rear of the property on Kings Avenue would be extremely limited. The proposal would only be readily possible from the far side of Kings Avenue where, owing to the existing boundary treatment and the slight difference in ground levels, the upper section of the proposal would be the only visible element. Any views would also take in the existing garages that are to the rear of No's 3, 5 and 7 Clarence Avenue and the existing single storey extension to No. 7. Views would also be in the context of the garden vegetation and the existing street trees.
6. The development includes a proposed door in the side elevation. Although the door is part of the overall development proposal, it is positioned in part of the existing gable elevation. The Council consider this, by reason of its siting, would be out of keeping with the character of the host property. The property, and those surrounding the appeal site, contain various openings in the side elevations. It would be a relatively minor intervention, it would not dominate the side elevation and would not be readily visible from the street-scene.
7. Therefore, the proposed development would not harm the architectural integrity of the host building or that of the surrounding area, nor would it be out of character with the host property. It would comply with Policies Q5 and Q11 of the Lambeth Local Plan (2015) and guidance contained in the Council's Building Alterations and Extensions Supplementary Planning Document (2015). These policies seek to ensure, amongst other things, that the design of development is a response to positive aspects of the local context and that extensions positively respond to the original architecture of the host building with subordination a key consideration, avoiding development which unacceptably dominates or overwhelms the host building.

Living conditions

8. The Council consider that the proposed door within the side elevation would allow future occupiers to access and encroach onto the adjoining site at No. 3 Clarence Avenue resulting in a harmful impact on the amenities of that property in terms of loss of privacy and overlooking.
9. The proposed door would open onto an area of hardstanding to the side of the appeal property where it would likely form a secondary access to the property after the main front door. There are no main habitable room windows from the adjacent property that overlook this area and a side door from the adjacent property opens onto this area. The proposed door would be fitted with obscure glazing and would form part of a utility room in the appeal property.
10. The hardstanding onto which the door would open is not part of the appeal site and appears to form part of the curtilage of No. 3 Clarence Avenue. The

appellant states that the title deeds to both Nos. 3 and 5 show that the appeal property has the benefit of a right of way over the passageway at the side of No. 3, although no evidence has been submitted to confirm this. My allowing of the appeal would not however overrule any private access rights or title deeds to the contrary.

11. On the planning merits of the proposed door, I find that it would not cause unreasonable harm in terms of loss of privacy or overlooking. It would comply with Policy Q2 of the Lambeth Local Plan (2015) which seeks to ensure, amongst other things, that visual amenity is not unacceptably compromised, and acceptable standards of privacy, adequate outlooks, and avoid unacceptable levels of overlooking (or perceived overlooking).

Conditions

12. I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. I have also imposed a condition requiring that the materials to be used shall match those used in the existing building. This is in the interests of the appearance of the property.
13. The Council requested conditions be imposed requiring that the flat roof area over the rear extension shall not be used as a balcony, terrace, sitting out or other amenity area, to safeguard the privacy and amenities of adjoining occupiers. This condition is not necessary to make the development acceptable in planning terms.

Conclusion

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR