
Appeal Decision

Site visit made on 3 September 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Appeal Ref: APP/C5690/D/19/3228717

92 Newquay Road, London, SE6 2NP

- 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 M Afzal against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111474, dated 2 April 2019, was refused by notice dated 8 May 2019.
 - The development proposed is described as 'the construction of a single storey rear extension and the construction of a dormer to the rear roofslope'.
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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.

Preliminary Matters

3. Works had commenced at the time the site visit was conducted. Part of the ground floor rear external wall had been removed and a tarpaulin covered the full width of the rear roof. Part of the boundary fence and vegetation between the appeal property and No 94 Newquay Road had been removed.
4. The decision notice references Policy 15 of the Lewisham local development framework Core Strategy Development plan document and Policy 36 of the Lewisham local development framework Development Management Local Plan (LP) which were absent from the submitted information. My consideration of the appeal has been made on the basis of the information before me.

Main Issues

5. The main issues in this case are:
 - the effect of the single storey rear extension on the living conditions of nearby occupiers at Nos 90 and 94 Newquay Road, with particular regard to outlook; and
 - the effect on the character and appearance of the original building and surrounding area, with particular regard to the design of the dormer window.

Reasons

6. The appeal property is a mid-terrace dwelling in a short row of properties, situated on Newquay Road which forms part of a grid patterned suburban area. It is located within the Culverley Green Conservation Area (CGVA). The architectural style of the property appears typical of an early 20th century residential development. The distinct roof style and pattern of the appeal property and attached dwellings comprises hipped roofs with lower set intersectional connections. The front elevations include small pitched gable architectural detail, whereas the rear roofline is largely unadorned. The appeal property has a linear garden plot, bounded in part, by relatively low wooden panelled fences between adjacent properties and backing onto the garden of a property set on the parallel street. The rear boundary was partially obscured by mature vegetation.

Living Conditions

7. The proposed single storey rear extension would cover the full width of the existing rear elevation of the appeal property; extending from an existing shallow return, in a solid line without windows, on the eastern boundary of the site, with an instep on the western boundary, within which a window would be positioned. It would project significantly beyond the rear elevation of the neighbouring properties at Nos 90 and 94.
8. Although the extension would be set back away from the party boundary with No 90, it would, because of the low boundary treatment between the host dwelling and this property be a prominent feature in the outlook from its rear ground floor windows and garden area closest to the rear of this dwelling.
9. Moreover, the extension would introduce a large expanse of solid wall in close proximity to the party boundary with No 94. It would significantly diminish the open outlook that currently exists from the rear of this property. The extension would be a dominant, prominent, overbearing feature in the outlook from the rear windows of the ground floor rooms of this property. It would have a significant enclosing effect on the rear rooms closest to the party boundary and also on the rear garden closest to the rear of the dwelling. The new extension would make the rear rooms and rear garden of this property less pleasant to use as a result.
10. Although the design of the proposed extension may reflect design guidance set out in supplementary planning guidance in terms of height and layout, the scale of the development, within the particular setting, would clearly harm the outlook of nearby occupiers for the reasons set out above. The presence of extensions nearby, including that to the rear of No 90 are not directly comparable to the proposal before me and its context. They do not therefore justify harmful development. Each planning application and appeal must be determined on its merits.
11. In light of the foregoing, I conclude that the proposal would result in harm to the living conditions of the occupiers of Nos 90 and 94 Newquay Road as a result of loss of outlook, in conflict with Policies 30 and 31 of the LP and the Alterations and Extensions Supplementary Planning Document 2019 (SPD 2019) which, amongst other matters requires development to be of a high standard of design, which safeguards the amenity of adjoining houses and their back gardens.

Character & Appearance

12. The CGCA covers a suburban residential estate developed in the early decades of the 20th Century. The appeal property is within a character area developed towards the end of this period. Evidence before me and observed on the site visit indicates that a number of properties in, and surrounding Newquay Road have been altered. However, the original distinct suburban architectural style and character of the area prevails both at the front and rear of the properties.
13. There appears to be one rear dormer window in the short terrace of which the appeal property forms part, at No 96. I also observed a large rear dormer window at a property located to the rear of the appeal property's garden. However, other than these examples the roofscape of properties in the immediate area is largely unaltered. The existing roofscape of the appeal property and adjoining properties appear as pairings despite forming part of a short-terraced row. The introduction of a dormer window into the rear roof would alter the existing symmetry of the roofscape with No 94 and would, as a consequence, be harmful to the appearance of the terrace as a whole.
14. It follows that the contribution that the host property makes to the character and appearance of the area would be diminished as a result of the roof extension and harm to the area would occur, even taking account of the fact that the new window would not be visible from the street scene. The proposal would not preserve or enhance the appearance of the CGCA.
15. In reaching this conclusion I have had regard to other roof extensions in the locality. However, without understanding the particular circumstances of the examples I am unable to ascertain whether or not they are directly comparable to the scheme before me. Each planning application and appeal is determined on its merits and the presence of a similar type of development elsewhere does not provide justification for harmful development.
16. Although the harm to the significance of the CGCA as a designated heritage asset would be less than substantial, the National Planning Policy Framework (Framework) makes it clear at paragraph 196 that this harm should be weighed against the public benefits of the proposal.
17. In this regard, I have no evidence before me to suggest that the public benefits of the proposed dormer window outweigh the harm that would be caused to the significance of the CGCA as a heritage asset. I therefore conclude that the dormer window would be harmful to the appearance of the host property and the terrace of which it forms part. Harm would also be caused to the appearance of the area. This is in conflict with Policies 30 and 31 of the LP and SPD 2019 which jointly seek to secure development which is sensitively designed and contributes to local distinctiveness.

Other Matters

18. I have taken into consideration the policies and guidance that the appellant has drawn to my attention. However, I am required to consider the development plan as a whole and given the conflict that I have found, the policies referred to do not alter the conclusions that I have reached. No material considerations have been advanced which indicate that the proposal should be determined other than in accordance with the development plan.

19. I have no details before me regarding the level of engagement with the Council during the application process and therefore unable to comment on this matter. It is however open for the appellant to take this matter up separately with the Council.

Conclusion and Recommendation

20. Having regard to the reasons outlined above and all other matters raised, I conclude, that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR