



Appeal Decision

Site visit made on 1 October 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2019

Appeal Ref: APP/E5330/D/19/3233364

24 Little Heath, Charlton, London SE7 8HU

- 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 and Mrs Marques against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0754/HD, dated 28 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is a rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension at 24 Little Heath, Charlton, London SE7 8HU in accordance with the terms of the application, Ref 19/0754/HD, dated 28 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: 2084-18-PL001-001 Rev.P2.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Procedural Matters

2. The Council's decision notice refers to the adjoining property as 24B Little Heath, although it is in fact 24A Little Heath and I refer to it as such here.
3. At the time this appeal was submitted, the appellant had also submitted a 'prior notification' application¹ to the Council for the same proposal, which was also the same as a previous prior notification application². Whilst I have not been provided with a copy of the decision letter for the latest notification, the earlier decision indicated that prior approval was not required.

¹ Reference 19/2199/PN1

² Reference 18/2623/PN1

Main Issue

4. The main issue is the effect of the proposed extension on the living conditions of the occupiers of the adjoining dwelling at 24A Little Heath, with particular regard to daylight, sunlight and outlook.

Reasons

5. The appeal property is a three storey mid-terraced house. 24A Little Heath sits to the north east, having been converted into a separate dwelling from part of the appeal property at some point in the past. Both properties have relatively long south east facing rear gardens, separated by a timber fence which is around 1.9 m high and with a hedge growing above.
6. The proposed development is a single storey extension across the full rear of the appeal property, projecting approximately 4.5 m beyond the existing rear elevation and with an eaves height of around 2.8 m. A pitched roof section at the very rear would rise to a stepped flat roof which would be around 3.6 m high adjacent to No 24A and around 3.9 m high at its other side.
7. Policy DH(b) of the 2014 Greenwich Local Plan Core Strategy with Detailed Policies (the LPCS) requires that development proposals should not cause unacceptable harm to neighbours' living conditions in terms of, among other things, reduced daylight or sunlight, or by an increased sense of enclosure. The 2018 Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (the SPD) advises that extensions should not project from the rear of a dwelling by more than 3.6 m, in order to protect neighbouring properties from a harmful loss of light or sense of enclosure.
8. The extension would exceed the SPD's suggested size threshold, and during the afternoon and evening period would be likely to cause a minor increase in the overshadowing to the ground floor window in the rear elevation of No 24A which is around 1 m from the common boundary. However, No 24A's window is at a higher level than those of the appeal property, and any overshadowing would also be reduced by the slope of the extension roof in its final metre. Although there would be some reduction in daylight and sunlight reaching the window, to my mind this would not be to a harmful degree.
9. Turning to the effect of the development on outlook, the existing high boundary fence and hedge already limit the outlook from the ground floor window at No 24A and create a sense of enclosure. As the long outlook down the rear garden at No 24A would be largely unaffected I consider that there would not be any significant increase in the sense of enclosure arising from the development.
10. I therefore conclude that the extension would not be harmful to the living conditions of the occupants of the adjoining dwelling at 24A Little Heath, with regard to daylight, sunlight or outlook. Notwithstanding its conflict with part of the SPD guidance, it would comply with Policy DH(b) of the LPCS which seeks to ensure that development does not cause unacceptable harm to living conditions for neighbouring occupiers.

Conditions

11. In addition to the standard time limit condition I have specified the approved plans so as to provide certainty. In order to protect the character and

appearance of the host property and surrounding area I have also included a condition requiring materials matching the existing dwelling to be used for the extension.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

M Cryan

Inspector