
Appeal Decision

Site visit made on 29 October 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/C5690/D/19/3236017
22 Canonbie Road, London SE23 3AP

- 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 Ms Kate Morris against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111399, dated 11 March 2019, was refused by notice dated 4 June 2019.
 - The development proposed is a two-storey side extension with hipped roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a two-storey semi-detached dwelling located in a predominantly residential area that contains properties of various styles and sizes. The street on which the appeal site is located is characterised by its notable incline resulting in the appeal property being sited lower than the property to which it is joined.
4. The appeal proposal would require the demolition of an existing detached garage and would be located to the side of the property. The extension is set-back from the front elevation and stepped down from the ridge of the main roof of the dwelling.
5. Whilst the extension maintains the angles of the main roof, which is generally a positive design approach to side extensions, the minimal set-back from the front elevation creates a minimal step down from the ridge of the main roof, or vice versa. The result is a large hipped roof over the side extension that would appear prominent and dominate the property. It would not appear subordinate to the main body of the property.
6. The proposal incorporates a set-back and step down from the front elevation and main ridge respectively. These are common features of well-designed side extensions to properties of this nature to ensure that they appear subordinate to the main dwelling and avoid the creation of a terracing effect with

neighbouring properties. Due to the difference in levels, property styles and the maintaining of a separation, a terracing effect would not occur in this instance. However, the set-back and step down are so minimal, tokenistic even, that they would do little, or nothing at all, to ensure that the extension appears subordinate to the main dwelling. There would not be a clear distinction between the original dwelling and the extension.

7. The extension would use materials to match the main dwelling and the window positions reflect those of the main dwelling. However, I find that these aspects should be features of a well-designed extension regardless and do not override the harm I have identified.
8. I therefore find that the proposal would cause harm to the character and appearance of the host property and the surrounding area. It would be contrary to Policy 15 of the Lewisham Local Development Framework Core Strategy Development Plan Document (2011) which requires, amongst other things, that development is of high quality design; and Policies 30 and 31 of the Lewisham Local Development Framework Development Management Local Plan (2014) which require, amongst other things, that development attains a high standard of design and that side extensions should normally be set back and down from the main building line to allow for a clear break between existing buildings in order to maintain architectural subordination to the original building.
9. The proposal would also be contrary to the Lewisham Local Plan Alterations and Extensions Supplementary Planning Document (SPD) (2019) which requires, amongst other things, that two storey side extensions are set back at least 1m from the front elevation.

Other Matters

10. The appellant has referred to the adoption of the SPD during the application process and that this was not available to them at the time of their submission. I appreciate that the timing of the adoption of the SPD would be frustrating to the appellant, however at the time of the Council's decision, and of my decision on this appeal, it is a material consideration. From the evidence before me the appellant was given the opportunity to amend the scheme in response to the adoption of the SPD prior to the issuing of the decision. I do not find that the timing of the adoption of the SPD reason to allow the appeal.
11. The appellant has referred to dialogue and discussion with the Council during the application process and consider that this was not positive and proactive. From the evidence before me, the Council have commented on what form of development they would be willing to favourably consider. Whilst this may not be the exact form of development which the appellant wishes to pursue, it does not make the discussion not positive or proactive. Regardless, it would not be a reason to allow the appeal.
12. I acknowledge the personal circumstances put forward by the appellant including the health concerns of the occupants. These have been considered in accordance with the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights

conveyed within the Human Rights Act. However, it does not follow from the PSED that the appeal should succeed and whilst I have given weight to these matters, they do not outweigh the harm that would be created were the appeal to be allowed.

Conclusion

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

A M Nilsson

INSPECTOR