
Appeal Decision

Site visit made on 30 September 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/C5690/D/19/3232955

72 Stainton Road, Catford, London SE6 1AR

- 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 Q Iqbal against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110456, dated 9 January 2019, was refused by notice dated 18 April 2019.
 - The development is a single storey rear and side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development which is the subject of this appeal has already been erected and I am therefore considering the appeal retrospectively. I have had regard to this in making my decision.

Main Issue

3. The main issue is the effect of the extension on the living conditions of the occupants of neighbouring properties, with particular regard to outlook in respect of 70 Stainton Road, and with particular regard to privacy in respect of 37 Lullingstone Lane.

Reasons

4. The appeal property is a two-storey end terraced house, sitting on a plot which widens towards the rear. The development for which planning permission is sought is a single storey L-shaped extension which wraps around the entire rear and part of the side of the appeal property. It extends approximately 3.9 m beyond the original rear of the house, and approximately 2 m out from the side wall.
5. Policy 15 of the 2011 Lewisham Core Strategy (the CS) and DM Policy 30 of the 2014 Lewisham Development Management Local Plan (the DMLP) require development to be of the highest design quality, while DM Policy 31 of the DMLP requires residential extensions to result in no significant loss of privacy and amenity to adjoining houses and their back gardens. The 2019 Alterations and Extensions Supplementary Planning Document (the SPD) provides further guidance in respect of extensions, including general advice that the privacy of

neighbours should be respected, and more specific guidelines including that L-shaped extensions should be at least 1 m from boundaries to maintain access to rear gardens.

6. Both the appeal property and its neighbour at 70 Stainton Road are houses of modest width and overall size. To the west is a three-storey block of flats, the rear of which projects around 1m beyond the rear wall of No 70. The effect of the extension is that its side wall creates a significant sense of enclosure in the rear garden of No 70 and constrains what would already have been a narrow outlook from the dining kitchen at the rear of that property. The extension therefore adversely affects the outlook from the rear of No 70, and the oppressive sense of enclosure diminishes enjoyment of the rear garden of that dwelling.
7. No 37 Lullingstone Lane lies immediately to the east of the appeal site, and is a house of similar size and style. The two dwellings are at an angle to one another and closer together at the front, with the appeal property also at a slightly higher ground level. The front building line of No 37 sits some way forward of that of the appeal property, so the rear part of the appeal dwelling and its extension sit alongside the rear garden of No 37. The rear gardens are separated by an arch top fence of around 1.8m in height.
8. The side elevation of the extension is between 1.2m and 2.5m from the boundary fence with No 37, and in this regard complies with the advice in the SPD. The side windows are large and, although the fact that they are non-opening and have obscure glazing prevents direct overlooking of No 37, their size and proximity to the boundary gives rise to a perceived loss of privacy for the garden of No 37. The front-facing extension window is also large and clear glazed, and allows a view of the upper parts of the two ground floor rear windows of No 37 which are around 6m away at their closest, although this is limited to some degree by the boundary fence and could be overcome by the use of a condition requiring the window to be obscure glazed.
9. Taking all of the above factors into account, I conclude that the extension has a significant harmful effect on the living conditions of the occupiers of 70 Stainton Road and 37 Lullingstone Lane. The development therefore conflicts with CS Policy 15 and DM Policies 30 and 31 of the DMLP. For the same reasons, it conflicts with the requirements of paragraph 127 of the National Planning Policy Framework. Were I minded to allow the appeal, the overlooking of the rear windows of No 37 from the front-facing extension window could be mitigated by use of a condition, but this would not overcome the other harm caused by the extension.

Other matters

10. I acknowledge the appellant's points that the Council did not object to the extension in terms of the choice of materials, roof design, and subservient relationship with the host property. None of the evidence before me leads me to disagree with the Council's assessment of these matters. I note also that there is an extant planning permission for a rear extension to the appeal property¹. Although I have not been provided with all the information relating to that permission, its projection of around 3.3m beyond the rear wall of the appeal property would be less enclosing and have a lesser effect on outlook

¹ Lewisham reference DC/17/101677

from the rear of the neighbouring property at No 70 than the development now before me. I have therefore given it limited weight as a fallback position, and considered the current proposal on its own merits.

11. The appellant has also suggested that a similar extension to the appeal development could be achieved by using, in part, permitted development rights. However, unless the prior approval process is used a projection of 3 m beyond the rear wall would be the maximum building depth allowed. This again would be less substantial than the scheme before me, and it is therefore also a position to which I attach limited weight.

Conclusion

12. For the reasons given above the appeal is dismissed.

M Cryan

Inspector