
Appeal Decision

Site visit made on 19 November

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2019

Appeal Ref: APP/E5330/D/19/3236462
26 Edison Grove, Plumstead SE18 2DN

- 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 Miss Claudia Cooper against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/1432/HD, dated 9 April 2019, was refused by notice dated 5 July 2019.
 - The development proposed is the extension of a single family dwelling in the form of ground floor rear extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At my site visit, I saw that extensions were already in place. I note that the submission stated the application was retrospective and I am aware of enforcement investigations by the Council at the site. While the overall proportions of the extension appear comparable to the submitted plans, I cannot be sure that the site at present accords with the appeal scheme. I have therefore dealt with the appeal on the basis of it being a proposed development as shown on the plans.
3. I have taken the description of development in the banner heading above from the application form removing elements that are not acts of development. While different to that on the decision notice and appeal form, no confirmation that a change was agreed has been provided.
4. Although not included in the description of development, the plans show steps and a patio to the rear of the extension. The assessment of the application by the Council included these and I have done the same.

Main Issues

5. The main issues of the appeal are the effects of the proposed development on;
 - The living conditions of the occupiers of nearby properties, with particular regard to outlook, privacy, sunlight, daylight; and
 - The character and appearance of the area.

Reasons

Living Conditions

6. The property and garden at 28 Edison Grove (No 28) are at a lower level than the appeal site. The ground floor extension would be across the full width of the plot, up to the boundary with No 28. The full depth and height of the extension would be visible from the property and its garden. Given the scale of the extension it would be a dominant and overbearing presence from the patio area at the rear of No 28. While there are large openings on the rear elevation of No 28, the ground floor extension would also be prominent from the dining room and would create a sense of enclosure. Consequently, the ground floor extension would have a considerably adverse impact on the outlook from No 28 and its garden.
7. The ground floor extension would be very close to the side windows at No 24 facing the appeal site. As a result of this and its height, the extension would significantly reduce the outlook from these windows. Nonetheless, there are larger windows on the rear elevation of No 24 that would allow daylight and sunlight to enter the room. These also provide a more open outlook from the room away from the appeal site over the wider garden at No 24. Moreover, there is a single storey rear addition at No 24. Consequently, the full projection of the proposed extension would not be experienced from the rear windows or garden of No 24. The impact on the outlook from No 24 would be acceptable and less than would be the case at No 28.
8. Given the orientation of the first floor extension and path of the sun there would be likely to be some reduction in daylight and sunlight reaching the bay window at No 24. Nonetheless, this extension would be set in from the boundary of the appeal site. Moreover, there is glazing on the rear and other side of the bay window that would allow light to reach the bedroom at No 24.
9. The proposed extension would be prominent in the outlook from certain parts of the bedroom. Notwithstanding this, due to the size of the window, its glazing on 3 sides and the separation between it and the proposed first floor extension, the outlook from this room would not be dominated by the proposal.
10. Due to the difference in land levels, the proposed steps and patio area would afford views over the existing boundary treatment into the garden of No 28. Some overlooking is tolerable in residential areas and already takes place along the row of properties. Furthermore, from much of the patio area overlooking is reduced by the fence. The presence of vegetation and a shed in the garden of No 24, along with more similar land levels to the appeal site would restrict views in that direction from the proposed patio.
11. I acknowledge comments from third parties regarding overlooking from the use of the roof of the ground floor extension. While this may have occurred previously, the scheme before me does not include the use of this area for a terrace. Were the appeal to be allowed, a condition could be imposed to prevent the use of this area as outdoor amenity space.
12. In light of the above factors, while there would be some increase in overlooking, there would not be any significant impacts on the privacy of occupiers of the adjacent properties.

13. My attention has been drawn to a fallback position for a ground and first floor extension at the appeal site (16/3510/F). The dimensions of the proposed scheme in comparison to the approved one is a matter of dispute between the Council and appellant. Nevertheless, during the appeal a plan was provided by the appellant showing the depth of the ground floor extension. This shows that the appeal scheme before me, including the recess, would extend further beyond the original rear wall of the house than the approved scheme.
14. Consequently, were the previous scheme implemented, the impacts on the outlook from No 28 would be less than that of the appeal proposal, causing less harm. While the fallback is a consideration it does not offer a basis to allow the appeal in light of the above concern.
15. Therefore, the proposal would unacceptably harm the living conditions of the occupiers of No 28 with regard to outlook. It would be contrary to Policy 7.6 of the London Plan, Policies DH(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CS) and the Royal Borough of Greenwich Supplementary Planning Document Residential Extensions, Basements and Conversions Guidance (SPD). These, in part, seek to prevent unacceptable loss of, and harm to, amenity of adjacent occupiers, including through a sense of enclosure.
16. Policy E(a) of the CS is referred to in the decision notice. However, this relates to pollution and problem uses. Therefore, it weighs neither for or against the proposal.

Character and Appearance

17. The proposed extension would project more than the 3.6m from the rear wall of the original house that the SPD states that extensions should not normally exceed. Nonetheless, the SPD notes that a greater depth can be permitted development. While taller than the rear projections at No 24, it would not have a substantially greater depth. Furthermore, there is no uniformity to the rear elevations of the properties in the row. Where there are rear projections, their scale and form are not consistent. In addition, while with a different style roof, there is a ground floor rear extension at another property in the row of a similar height to the appeal scheme.
18. The first floor extension would not have wrap around windows and would be wider and deeper than the bay windows at the other properties in the row. Nonetheless, it is set in from both side boundaries and its flat roof would terminate at the eaves level of the main roof. This reflects the bay windows in the row. Furthermore, were the appeal to be allowed a condition could be imposed regarding agreement of the external materials and I note that the bay at No 24 is finished in dark hung tiles. Even if I were to use the Council's figures, the first floor extension would not be significantly larger than that previously approved.
19. Therefore, the proposal would not be harmful to the character and appearance of the area. It would accord with Policies 7.4 and 7.6 of the London Plan and Policies DH1 and DH(a) of the CS. These, in part, seek to ensure proposals are of a design appropriate to their locality and have a detailing, scale and mass that compliments the local character.

20. Despite a breach of the stated normal rear wall projection, it would also accord with the aims of the SPD to prevent schemes that damage the character of the house and the street, that roof extensions should be proportionate to the size of the original house and that extensions should not dominate but be subservient to the original house.

Other Matters

21. There were no refusal reasons relating to the ground floor extension for application 18/2312/HD and that the scheme has been altered since to attempt to overcome the Council's concerns. Notwithstanding this, I have assessed the scheme before me on its own merits and found that it would result in unacceptable harm.
22. There is limited evidence before me regarding the condition of the property when acquired by the appellant. In any event, while there may have been significant investment it has not been shown that the proposed scheme is the only option for upgrading the property.

Conclusion

23. The proposal would not result in unacceptable harm to the character and appearance of the area. Nonetheless, the harm to the living conditions of the occupiers of No 28 is determinative.
24. Therefore, for the reason above, and having taken into consideration all other matters, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR