



Appeal Decision

Site visit made on 7 October 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2019

Appeal Ref: APP/A5840/D/19/3233874

9 Cookham Crescent, London SE16 6AW

- 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 Sarvin Kaur against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0939, dated 25 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is a ground floor and first floor rear extension, gable glazing and all associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the host dwelling and the surrounding area; and
 - The living conditions of adjoining occupiers, with reference to being overbearing and creating a sense of enclosure for 8 Cookham Crescent.

Reasons

Character and appearance

3. The appeal site contains a three storey house which forms part of a crescent of houses. Its rear elevation is notably wider than its front and both are curved. The rear of the property is visible from Cookham Crescent which splits the crescent of houses.
4. Due to the curvature of the appeal property, the depth of the proposed two storey rear extension would vary between 1.9m and 3.55m. The appeal development would have a linear rear wall, flat roof, and the side walls would follow the boundary lines. The side wall of the appeal development by 8 Cookham Crescent would be parallel to the side boundary. The proposed appeal development would square off most of the rear elevation of the property and would result in the erosion of the original curvature of the building. No other properties in the same crescent have been extended at first floor level. The design and scale of the proposal would detrimentally harm the character and appearance of the property and of the surrounding area.

5. The proposed extension would be in a prominent end of terrace location, visible from Cookham Crescent. The appellant argues the appeal development would not visually dominate and would accords with the development plan. However, I disagree as the design and scale of the appeal development would obscure much of the curvature of 8 and 9 Cookham Crescent from this road and would unbalance the crescent. Therefore, in my view the proposed development would result in a bulky addition, which fails to be subservient to the original house and appears incongruous and at odds with the surrounding area.
6. The appellant has highlighted that there is an unimplemented planning permission for a part-single and part-two storey rear extension at the property. However, in contrast to the appeal development, this previously approved extension is not full width at first floor level and the first-floor side walls would lie parallel to the side wall of the property. In my view, these features help it appear subservient and therefore I do not consider the two schemes are directly comparable.
7. The appellant argues the previously approved part-single, part-two storey rear extension would unbalance an approved dormer extension at the property and the appeal development seeks to address this. Both are unimplemented permissions. I acknowledge these comments; however both have previously been granted planning permission. I do not consider the design of the appeal development would outweigh the harm I have found.
8. The appellant has argued the appeal development would be a similar depth to the existing conservatory to be removed and the proposal would be designed with a contemporary flat roof, matching materials and fenestrations to align with the upper floors. The appellant is concerned the existing extant permission would incur them additional costs and it does not create a desirable and usable layout that would future proof their home. I accept there are some positive design features to the proposal, however this does not outweigh the harm I have identified.
9. Examples of similar sized extensions near to the site have been provided by the appellant. However, these are all for side extensions rather than rear extensions. They also do not appear to extend off a curved wall, unlike in this appeal case. I have not been given the full details of these extensions, however they do not appear directly comparable. Each scheme is also determined on its own merit and in line with adopted policies.
10. The appeal development would harm the character and appearance of the host dwelling and the surrounding area and be contrary to Policies 7.4 and 7.6 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (March 2016) and Strategic Policy 12 of the Southwark Council Core Strategy (April 2011) and Saved Policies 3.12 and 3.13 of the Southwark Plan (2007) – Saved Southwark Plan policies April 2013 and 2015 Technical Update to the Residential Design Standards Supplementary Planning Document (October 2011) and the National Planning Policy Framework. These seek amongst other things to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and alterations to existing buildings should embody a creative and high quality appropriate design solution, specific to their site's shape, size, location and development opportunities.

Living Conditions

11. The neighbouring property of 8 Cookham Crescent has a modest sized rear garden which is characteristic of the surrounding urban area. I observed a garden table and seating area directly behind this neighbour's house, during my site visit. The proposed two storey extension would project along the shared boundary line. I consider the proposed extension's scale, depth and position would harm the neighbour's living conditions by being overbearing and creating a sense of enclosure from the rear garden of 8 Cookham Crescent with particular reference to the outdoor seating area, which is likely to be the most intensively used part of the garden.
12. The windows most affected by the appeal development would be the closest ground and first floor windows at 8 Cookham Crescent, to the appeal development. The windows at 8 Cookham Crescent angle away from the appeal property due to the property being part of a crescent.
13. The neighbour's ground floor window is currently adjacent to a single storey conservatory, not dissimilar in depth to the appeal proposal. I do not consider the proposal would have a significantly different effect on the neighbour's living conditions in respect of this window.
14. The appellant highlights that the nearest neighbour's first floor window serves a kitchen. Most kitchens are located at ground floor level and it is not uncommon to be located close to an extension. Drawing number 433-104 also indicates that a 45 degree angle taken from this first floor window would not be breached. The combination of the curvature of the house and angle of the shared garden boundary helps to direct views from 8 Cookham Crescent's windows away from the proposed appeal development. Therefore, although the depth of the proposed development would be relatively deep for a two storey extension, I do not consider the impact on the first floor window would cause unreasonable harm to the living conditions of this neighbour in terms of sense of enclosure, overbearing or loss of outlook due to the unusual layout of the houses.
15. The Daylight and Sunlight Assessment provided by the appellant includes visualisations of the proposal. It demonstrates there would be no harm to daylight or sunlight from the windows or garden area to the neighbouring property. I accept this, however it does not outweigh the harm I have identified.
16. Consequently, the proposal would harm the living conditions of the adjoining occupiers, with reference to being overbearing and creating a sense of enclosure for the garden of 8 Cookham Crescent and is contrary to Strategic Policy 13 of the Southwark Council Core Strategy (April 2011) and Policy 3.2 of the Southwark Plan 2007 - Saved Southwark Plan policies April 2013 and the 2015 Technical Update to the Residential Design Standards Supplementary Planning Document (October 2011). These policies seek amongst other things that development will not be granted where it would cause loss of amenity to present and future occupiers; and avoiding amenity and environmental problems that affect how we enjoy the environment in which we live.

Other Matters

17. The appellant believes the Council has failed to safeguard their rights for respect to her private and family life and home under Article 8 of the Human Rights Act 1998. The appellant argues guests would have to share bedrooms if the extension were not built, which would be an intrusion of privacy. I have taken into account Article 8 of the European Convention on Human Rights, as enshrined in the Human Rights Act (1998), which states that everyone has the right to respect for his private and family life, his home and his correspondence. Planning operates in the public interest and there is a balance between the rights of the individual against the legitimate interests of the wider community. In this case, and in the evidence before me, I consider the harm identified in the previous section to the occupants of 8 Cookham Crescent, would outweigh the harm to the appellant.
18. I note the appellant's concerns regarding the Council's assessment and processing of their planning application. However, I have assessed the appeal development on its own merit and the Council's processing of the application is outside the scope of this appeal.
19. The appellant refers to a comment in a previous Officer's Report noting that the width of the site is wider than many others nearby, and as such can accommodate a larger extension. I acknowledge this comment, but I have assessed the appeal development on its own merits and come to my own conclusions on the proposal.
20. I have had regard to the letter of support to the original planning application. However, whilst the support is noted, in itself it is insufficient to justify an exception to the development plan and does not outweigh the harm I have identified.

Conclusion

21. For the reasons given above, the appeal is dismissed.

L Gilbert

INSPECTOR