



Appeal Decision

Site visit made on 26 November 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2019

Appeal Ref: APP/N5660/W/19/3235518

101 Dulwich Road, London SE24 0NG

- 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 I Taylor against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/00602/FUL, dated 12 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is the retention of outbuilding with alterations to wall adjoining No 103 Dulwich Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 103 Dulwich Road with particular regard to enclosure, outlook and light.

Reasons

3. The outbuilding subject to this appeal lies to the rear of 101 Dulwich Road (No 101), an end of terrace corner plot, adjacent to and visible from Hurst Street. But for a walkway which is itself partly covered by extraction equipment, the outbuilding encloses the majority of the space to the rear of No 101 and is currently built onto the boundary wall with 103 Dulwich Road (No 103).
4. I note the proposal would appear lower than at present through the removal of the parapet wall and that it would be inset from the boundary wall. However, given the height, proximity to the boundary wall, and the orientation of the properties, the proposal would in my view have an unduly dominant and enclosing effect on the outdoor amenity space of No 103. The enclosing effect of a 3m high outbuilding so close to the boundary wall would also limit the outlook from the outdoor amenity space of No 103 and the light which reaches it, causing harm to the living conditions of the occupiers of No 103.
5. I accept that the proposal would not cause any loss of light or other harm to habitable rooms, as the ground-floor of No 103 is apparently not in residential use. However, from my site visit and the evidence in the appeal, the outdoor amenity space to the rear of No 103 is in use as such and warrants protection under Policy Q2 of the Lambeth Local Plan, adopted September 2015.
6. The appellant has provided examples of a number of other outbuildings to support their case. However, in my view they are all sufficiently distinct, in

terms of their size, nature and relationship to neighbouring properties that they do not lead me away from my conclusions above.

7. The appellant has referred to the National Planning Policy Framework (the Framework), finding support for the proposal from the requirements in the Framework amongst other things to make efficient and effective use of land, the encouragement given to mixed use development, brownfield development, the importance of good design, and the overarching objective of achieving sustainable development.
8. However, all of this is qualified against the need to ensure that development delivers well-designed places which have a high standard of amenity for existing and future users. I have set out above that the proposal does not meet these objectives and that as a result of the harm I have found, the proposal conflicts with the development plan, which remains the starting point for decision making.
9. The appellant suggests that the outbuilding is required for the operation of their business. However, no further evidence has been provided to suggest that the appeal proposal is the only way this can be achieved. As a result, this does not outweigh the harm I have found above.
10. As a result of the harm I have found to the living conditions of the occupiers of No 103 with particular regard to enclosure, outlook and light, the proposal conflicts with Policy Q2 of the Lambeth Local Plan, adopted September 2015, which seeks to ensure that outdoor amenity space is protected from such harm.

Other Matters

11. The appellant has referred to the application and enforcement history at the site. Substantive details of this are not before me, and in any event, my consideration of this appeal is confined to the proposal and the evidence before me.

Conclusion

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

S Dean

INSPECTOR