
Appeal Decision

Site visit made on 19 November 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/E5330/D/19/3235552

99 Avery Hill Road, Avery Hill SE9 2HE

- 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 Joe Comacho against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0901/F, dated 11 March 2019, was refused by notice dated 25 July 2019.
 - The development proposed is a loft conversion with rear dormer window with juliette balcony, 3 side windows, 3 rooflights in front roof slope and relocation of window & door on ground floor.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a gable-end side dormer with 3 windows and a rear dormer window with juliette balcony, 3 rooflights in front roof slope and relocation of window & door on ground floor at 99 Avery Hill Road, Avery Hill SE9 2HE, in accordance with the terms of the application, Ref 19/0901/F, dated 11 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location-Block Drawing Ref 01; Existing Plans Drawing Ref 02; Proposed Plans Drawing Ref 03; Existing Elevations Drawing Ref 04; Proposed Elevations Drawing Ref 05; and Section Drawing Ref 06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to occupation of the gable end dormer hereby approved, the first floor windows located in the wall forming the side elevation of the dormer shall be fitted with obscure-glazing and be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. They shall be retained in that form thereafter.
 - 5) The roof area of the single storey rear extension hereby approved shall not be used as a balcony, terrace or similar amenity area.

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 parts of the development appear comparable to the submitted plans, there were some differences, including with regard to openings and rooflights.
3. As such, the site at present does not accord with the appeal scheme. I have therefore dealt with the appeal on the basis of a proposed development as shown on the plans. Any difference between the extension on site and what planning permission has been granted for is a matter for the appellant and the Council away from this appeal.
4. I have taken the description of development in the banner heading above from the application form having removed elements that are not acts of development. However, in my decision I have used that given on the decision notice and appeal form. While different to that given on the application form, it more accurately reflects the proposal.

Main Issues

5. The main issues of the appeal are the effects of the proposed development on;
 - The character and appearance of the area; and
 - The living conditions of the occupiers of 101 Avery Hill Road, with particular regard to outlook, privacy, sunlight and daylight.

Reasons

Character and Appearance

6. The appeal site and 101 Avery Hill Road (No 101) are one of several pairs of properties on this side of the street. Some pairs have retained a certain symmetry to their hipped roofs. However, this is not repeated across all pairs. Side and rear dormers at other properties are prominent in the streetscene. While it is indicated that certain changes may have been permitted development, they nonetheless form part of the varied shape and proportions to the nearby roofscape.
7. The proposed side dormer would add bulk to the roof of the appeal property. Nevertheless, it would be set down from the ridge of the main roof and be of a similar shape and size as that at 105 Avery Hill Road. While single storey, there is a side gable roof section at No 101. Therefore, even without the proposed scheme there would not be a balanced roofscape at this pair of properties. The side gable dormer before me would not be incongruous with the existing streetscene and would be viewed in the context of similar features.
8. I saw that there are a number of dormer windows on this row of properties, including those either side of the appeal site. While many are smaller than that proposed as part of the appeal scheme, there is no consistency to the scale and design of the rear dormers on nearby properties. Several have, at least in part, a flat roof as would the appeal scheme, including at No 101. The proposed rear dormer would be relatively large and its relationship with the ground floor extension is somewhat disjointed. Nevertheless, it is set in from the sides of

the roof and set down from the ridge. Furthermore, in light of the lack of any existing consistency, the dormer would not be incongruous with the existing rear roofscape on this part of Avery Hill Road.

9. The ground floor extension would protrude further than the 3.6m distance from the rear wall of the original house that the SPD¹ states extensions should not normally exceed. Nonetheless, the SPD notes that a greater depth can be permitted development. The rear projection would be in line with the original building and not be of a considerably greater depth and height than that at the adjacent property. Moreover, the partly sloping roof design would not be untypical of the area and helps to reduce the overall mass of the extension. Furthermore, I saw that there is no uniform depth to single storey rear elements at properties nearby.
10. Given the variation already present at ground and first floor level in this part of Avery Hill Road, the proposed scheme, including the front rooflights, would not be visually dominant in the streetscene or at odds with the existing built form.
11. As such, the proposal would not unacceptably harm the character and appearance of the area. It would comply with Policies 7.4 and 7.6 of the London Plan and Policies DH1 and DH(a) of the adopted Royal Greenwich Local Plan Core Strategy with Detailed Policies (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.
12. 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.

Living Conditions

13. The ground floor extension would exceed the guidance in the SPD in terms of depth. However, there is also a single storey rear element at No 101. Therefore, the full projection of the proposed ground floor extension would not be experienced from No 101. While taller than the rear projection at No 101, the proposal would be set in to some degree from the boundary and the initial part of the roof would be angled away from it. This would further reduce the mass of the extension when viewed from No 101.
14. The nearest windows to the appeal site at No 101 are wide, tall and set away from the boundary with it. They are orientated towards the rear garden rather than towards the extension. Taking account of these factors, the extension would not be an imposing presence or have an overbearing effect on the outlook from No 101.
15. In this case, the orientation of the properties is such that the impact on sunlight from the extension would be limited to later in the day, if at all, given the course of the sun and therefore the direction of shadowing. Also, the roof design and height of the extension would limit any impact on light reaching No 101's windows, which already allows a good degree of light to enter the room behind due to the overall size of these windows.

¹ The Royal Borough of Greenwich Supplementary Planning Document Residential Extensions, Basements and Conversions Guidance

16. The gable dormer would not extend closer to the windows and boundary with the neighbouring property. A condition is imposed restricting the glazing and opening of the windows in this part of the scheme. Consequently, it would not have any unacceptably harmful impacts on the living conditions of the occupiers of the adjacent property. The rear dormer would have a Juliette balcony, which is similar to a dormer further along Avery Hill Road. This would allow views into the rear gardens of nearby properties. Nonetheless, some overlooking between properties is inevitable and tolerable in residential areas and already exists.
17. There is sufficient separation between the proposed front rooflights and the nearest properties opposite to prevent any significant additional overlooking from the scheme.
18. Therefore, the proposed scheme would not have an unacceptably harmful effect on the living conditions of the occupiers of No 101 with regard to outlook, privacy, daylight and sunlight. It would accord with Policies 7.4 and 7.6 of the London Plan and Policy DH(a) of the CS. These, amongst other things, seek to ensure proposals respect the amenities of adjacent occupiers and are of a human scale so people feel comfortable with their surroundings.
19. While the ground floor extension would go beyond the projection stated in the SPD, it would accord with its aims to ensure extensions respect the amenity of neighbours in terms of privacy, daylight, sunlight and avoid a sense of enclosure.
20. Policy DH1 of the CS relates to design and therefore weighs neither for or against the proposal in regard to this issue.

Other Matters

21. I understand that some interested parties are frustrated that certain works have taken place at the site. Nevertheless, the appeal that is before me falls to be determined on the planning merits of the case. The construction or use of a building in the garden of the appeal site are a matter for the Council and fall outside the scope of this appeal.
22. I note comments regarding a potential extension at No 101. However, no details of any such scheme have been presented to me and it has not been demonstrated that possible access issues for such a scheme would warrant withholding planning permission.

Conditions

23. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the National Planning Policy Framework. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.
24. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is to provide certainty.
25. A condition is imposed requiring the external materials of the scheme to match those at the existing building to protect the character and appearance of the area. Finally, in order to prevent overlooking at the adjacent properties

conditions are imposed restricting the opening and glazing of the gable dormer windows as well as preventing the use of the rear extension roof as amenity space.

Conclusion

26. For the reasons given above, and having taken all other matters raised into account, I conclude that the appeal should be allowed subject to the conditions above.

Stuart Willis

INSPECTOR