



Appeal Decision

Site visit made on 4 February 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/A5840/D/19/3236725

21 Sharsted Street, London SE17 3TP

- 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 Paul Luckhurst against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/1407, dated 10 May 2019, was refused by notice dated 5 July 2019.
 - The development proposed is two storey rear extension with glazed doors to the garden from the ground floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties at Nos. 19 and 23 Sharsted Street with particular regard to privacy, light and outlook.

Reasons

3. The appeal property at No. 21 Sharsted Street (No. 21) is a traditional two storey mid-terrace dwelling with a basement and roof extension located within a mature well-established residential area.
4. The proposal would involve the construction of a two storey rear extension with a slate pitched roof that would extend about 3.2m across the width of the house and project out by approximately 4.3m from the rear elevation of the property. It would be built along the common shared boundary with No. 23 and set back from side boundary with No. 19. The small enclosed rear gardens of Nos. 19 and 23 would be separated from the appeal site by a low wall/fencing and some mature vegetation running along the common shared boundaries. The adjacent properties at Nos. 19 and 23 currently have largely uninterrupted views from the rooms at the rear over the open garden areas at the rear of the appeal site and the neighbouring properties that provide space and light between the properties.
5. Whilst I accept that there would be some overlooking of the neighbouring property at No. 19, given the proposed design, boundary treatment and the separation distance between the properties, I do not consider that the proposal would cause significant harm to the privacy, nor result in significant

overlooking of the occupiers in the rooms and garden area at the rear of the adjacent property at No. 19. The relationship between the proposed development and the adjacent property would not be significantly materially different to the existing situation on the site that can be overlooked from the existing windows and garden area at the rear of No. 21.

6. The appellant has submitted a daylight, sunlight and overshadowing assessment in accordance with BRE Guidelines¹ to examine the impact of the proposed development. The assessment shows that the loss of daylight and sunlight to the rear windows at Nos. 19 and 23 would be within the permitted limits as set out in the BRE Guidelines, except for the non-habitable ground floor hallway and first floor stairwell at the rear of No. 23. The overshadowing assessment indicates that rear garden of No. 23 would receive at least 2 hours of sunlight on over 50% of its area². However, whilst I accept that the assessment shows that the impact of the proposal on the rear windows to the main habitable rooms and the garden area would largely be within the permitted limits, this is only for guidance.
7. I have viewed the appeal site and given the height and position of the proposed extension, modest size of the rear gardens at Nos. 19 and 23, the distance between the properties and the orientation of the buildings, I consider that the proposed rear extension would impact on the views and available light currently enjoyed by the occupiers of the neighbouring properties.
8. The proposed rear extension would introduce a dominant and enclosing structure that would restrict the outlook from the garden areas of Nos. 19 and 23 and, to a more limited extent, the outlook from the habitable room windows on the lower ground and ground floors levels on the rear elevations of Nos. 19 and 23. It would also restrict the available daylight and sunlight at different parts of the day reaching the habitable room window on the lower ground floor level and the rear garden immediately adjoining the house at No. 23. I therefore consider that the proposal would result in a poor quality living environment and a significant change in the living conditions for the occupiers of the neighbouring properties.
9. I have considered the appellant's statement that the scale and design of the proposed extension has been carefully designed in order to minimise any impacts on adjacent dwellings and the area. Whilst the use of matching materials and fenestrations would assist in integrating the proposed extension with the host property, these aspects do not overcome the adverse effects outlined above.
10. I also note the appellant's willingness to carry out further work to safeguard the amenities of the neighbouring residents and accept conditions requiring the submission and approval of the changes. This, however, would result in material changes to the proposal before me and in any event, I am required to consider the proposal on the basis of the same details that were before the Council when it made its decision.
11. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of the neighbouring properties at Nos. 19 and 23

¹ Building Research Establishment (BRE) – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

² Icen Projects Daylight, Sunlight and Overshadowing Assessment September 2019

with particular regard to light and outlook. The development would be contrary to the overall amenity aims of Saved Policy 3.2 of the Southwark Local Plan 2007, Strategic Policy 13 of the Southwark Core Strategy 2011 and Council's 2015 Technical update to the Residential Design Standards Supplementary Planning Document 2011. These policies and guidance seek, amongst other things, to ensure an adequate standard of amenity for existing occupiers and that proposed extensions do not have an unacceptable affect on the amenities of the neighbouring properties in terms of outlook, daylight and sunlight.

Other Matters

12. I have noted the other developments in the area drawn to my attention by the appellant. However, the two storey rear extensions at Nos. 8 and 32 De Laune Street have different development and locational characteristics to the appeal scheme. The various two storey rear extensions to the properties along Sharshed Street and the surrounding streets relate to a different scale and form of development built some time ago in a different policy context. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases. I therefore accord them limited weight as precedents in this case.
13. I have considered the appellant's comments regarding the family's personal circumstances and the benefits to the family arising from the proposed development. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.
14. I also note the appellant's comments regarding the lack of formal objections from occupiers of the neighbouring properties to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the area and is not a determinative factor on its own. I therefore accord these matters limited weight.
15. I note the appellant's comments regarding the various benefits arising from the proposal including the scheme's high quality design and to create additional accommodation to meet the needs of the appellant's family. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR