
Appeal Decision

Site visit made on 24 February 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 10th March 2020

Appeal Ref: APP/E5330/D/3240115

65 Wolfe Crescent, Charlton SE7 8TS

- 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 Radu Serban, Focuss Group Construction Ltd, against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 19/1054/HD, dated 18 March 2019, was refused by notice dated 6 August 2019.
 - The development proposed as described on the planning decision notice is demolition of existing shed and construction of a rear extension incorporating a basement level (Retrospective).
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Procedural Matters

1. Although some of the evidence indicates otherwise the Council have confirmed the correct planning application Ref number is 19/1054/HD. In the circumstances explained by the agent in the email dated 4 February 2020 the side gate was left open and I carried out an unaccompanied site visit.
2. Several sets of drawings accompany the proposal. These include: "Existing" showing the dwelling prior to the works being started; "As built" indicating what works have commenced on site; and "Proposed" showing the works for which planning permission is sought. The Parties have confirmed there are no differences between the "As built drawings" and the "Proposed drawings". I have considered the appeal on this basis.
3. I have taken the description of development from the decision notice as the information on the planning application form amounts to a query rather than a straightforward description of the works requiring planning permission.

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues are the effect of the proposal on the living conditions of occupiers of the adjacent houses; and the effect on the character and appearance of the dwelling and the area.

Reasons

6. Planning permission was granted for the demolition of a shed and construction of a single storey side extension and a two storey rear extension at ground and lower ground floor in 2017 planning Ref 16/3929/F. The appellant revised their

proposal and requested their contractor to contact the Council to confirm that a further application would not be required. Construction commenced at the end of 2018. Subsequently the appellant was advised to cease building as the works did not have permission. At that time only the exterior frame of the basement had been constructed. A revised application, which is the subject of this appeal, was submitted to the Council. Works continued and the exterior shell of a double storey extension has been constructed but the works have not been completed.

Living conditions

7. The appeal property and the neighbouring houses at Nos 67 and 63 have boundaries with Wolfe Crescent and Thorntree Road. The topography locally means that there are steps down to the front of Nos 63, 65 and 67 Wolfe Crescent and their rear gardens slope steeply down to Thorntree Road. The house at No 63 is set further back from Wolfe Crescent than that of the appeal property. However, No 63 has a conservatory extension to the rear.
8. The shared boundary with No 63 is at an angle and the extension as built is between about 1.8m to 2.2m from it. It extends about 6m from the rear wall of the host property and has a shallow pitched roof with gable wall facing Thorntree Road. The extension is to the south of No 63. Due to its relative position, length and height, it creates an overbearing effect on the outlook from the conservatory at No 63 creating gloomy and oppressive living conditions. I consider this to be the case even though slightly angled away from the side of No 63's conservatory and even though there are other windows in that conservatory.
9. Due to the changes in levels the side openings in the extension as constructed would directly face windows and doors in the conservatory of No 63 at a height that would cause a loss of privacy that could not easily be remedied by screening on the boundary. The combination of this and the over-bearing effect means the extension would cause unacceptable harm to the living conditions of occupiers of No 63.
10. I have considered whether frosted windows/doors would overcome concerns about over-looking. However, this would only be the case when the windows/doors were closed. Fixing shut would clearly be impractical for a door. Moreover, even when they are frosted, windows in such close proximity directly facing a shared boundary would create an unacceptable impression of overlooking.
11. I acknowledge the current occupiers of No 63 have indicated that this would be acceptable, but occupiers in the future might well be of a different view. Consequently even though the appellant would accept the frosting of these openings I do not consider this would sufficiently address the harm I have identified.
12. There are windows in the rear elevation of the single storey rear extension at No 67 close to the shared boundary. The extension has been constructed near to that shared boundary and would extend well beyond the neighbouring extension. The appeal extension is to the north of No 67 and therefore there is relatively little effect on the light received by those windows. However, due to its position, length and overall height, with pitched roof and gable wall, the extension at the appeal site has an over-bearing and oppressive effect on the

outlook from those windows, particularly the one closest to the shared boundary. I consider this to be harmful even though there are other windows to that living space.

13. For the reasons set out above I conclude the proposal would have a harmful effect on the living conditions of occupiers of the adjacent houses. It conflicts with Policies DH(a) and DH(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (the CS) and the Residential Extensions, Basement and Conversions Guidance Supplementary Planning Document (the SPD). These, amongst other things, seek to ensure developments do not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an unneighbourly sense of enclosure.

Character and appearance

14. The rear elevation of the appeal property and its neighbours are elevated above Thorntree Road. This section of Thorntree Road is characterised by a very varied building form with differing sizes and shapes of rear extensions. However, the nearby properties do not have rear extensions so close to the highway or as large and prominent as the proposal before me. Moreover, the pitched roof, gable wall, and white render finish together result in the appearance of a large extension which over-dominates the host property and is overly prominent in the street scene.
15. For these reasons I conclude that the proposal has a harmful effect on the character and appearance of the dwelling and the area. It conflicts with Policies 7.4 and 7.6 of the London Plan 2016; Policies DH1 and DH(a) of the CS and the SPD which together, amongst other things, seek high quality design and to ensure extensions respect the scale and character of the host building, the street scene and the surrounding area.

Other Matters

16. The earlier permission Ref 16/3929/F was for a combination two storey and single storey extension. Accordingly it had a lesser effect and does not lead me to any different conclusions in respect of the proposal before me. I am advised that the appellant is in dispute with the builder but this is not a material consideration in respect of the planning merits of the proposal before me.
17. The appellant was offered an opportunity to submit a scale block plan showing the position of the appeal extension in relation to both neighbouring properties which was not taken up at the time it was offered. I have taken an informed view based on what I could see at the site visit bearing in mind that the shell of the proposal has been constructed. In view of my other conclusions there would have been no difference in my Decision had such a plan been submitted.

Planning Balance and Conclusion

18. Paragraph 9 of the National Planning Policy Framework 2019 makes it clear that the economic, social and environmental objectives of sustainable development should be delivered through the preparation and implementation of plans and the application of policies in the Framework: they are not criteria against which every decision can or should be judged.

19. The proposal would provide additional living accommodation for the appellant and limited temporary employment. However, these benefits would not outweigh the harm to living conditions of adjacent occupiers or to the character and appearance of the host property and the area. In failing to comply with Policies 7.4 and 7.6 of the London Plan 2016; Policies DH1, DH(a) and DH(b) of the CS the proposal cannot comply with the development plan taken as a whole. The appeal is dismissed.

S Harley

INSPECTOR