



Appeal Decision

Site visit made on 9 March 2020 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/C5690/D/19/3242687

94 Jevington Way, Lewisham SE12 9NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Gail Norman against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/113827, dated 10 September 2019, was refused by notice dated 21 October 2019.
 - The development proposed is a 6m single storey, flat roofed extension at rear.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a 6m single storey, flat roofed extension at rear of 94 Jevington Way, Lewisham SE12 9NQ in accordance with the application Ref DC/19/113827 made on 10 September 2019, and the details submitted with it including plan nos. LOC, PR01, PR02, PR03, PR04, PR05 and PR06, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, where any adjoining occupier objects to the proposal. As adjoining occupants have objected, the Council assessed the impact of the proposal and found it unacceptable.
 4. Based on the Council's decision notice and the objections of the neighbouring occupants, the main issue in this appeal is the effect of the proposal on the amenity of the occupiers of Nos. 92 and 96 with regard to outlook and light.
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Reasons for the Recommendation

5. The appeal site comprises a two-storey, mid-terrace property on the western side of Jevington Way. Nos. 92 and 96 adjoin the appeal property to the north and south respectively. Both No. 92 & 96 have been subject to single-storey ground floor rear extensions measuring approximately 3m in depth. The appeal property and the two adjoining properties have large, north west facing, rear gardens. The boundaries between the appeal site and Nos. 92 and 96 are formed of wooden fences measuring between 1.7m and 2m in height.
6. While the proposal would be visible from the nearest rear-facing ground-floor windows and rear gardens of both Nos. 92 and 96, the extension would only extend for 3m further along their respective southern and northern boundaries. Furthermore, the height of the proposal along the shared boundaries would be less than 1m greater than that of the existing boundary fences. Moreover, occupants of both Nos. 92 and 96 would continue to have considerable levels of outlook to the north west from their rear-facing windows, as well as significant outlook to the north, northwest and west from their rear gardens. Given the limited height and depth of the proposal that would be visible from Nos. 92 and 96 above the fences, the proposed extension would not cause an unacceptable level of harm to the amenity of neighbouring occupants in terms of outlook.
7. During my site visit, I saw No. 98's garage sited along a portion of No. 96's southern boundary. I also saw that the height of the garage was around 500mm greater than that of the boundary fence. As the height of the garage is roughly comparable to the existing fence, I do not find that No. 96's garden is overly enclosed at present, nor do I consider that the combined effect of the garage and the proposal would result in unacceptable harm to the amenity of occupants of No. 96 in terms of outlook for reasons set out above.
8. While the proposed extension would be sited along the south western boundary of No. 92, it is unlikely that the proposal would have any harmful impact in terms of light given No. 92's rear aspect to the northwest. Any appreciable reduction in light to the rear-facing ground-floor windows of No. 92 or their rear patio would be most noticeable during the evenings, although much of No. 92's substantial rear garden and rear patio would remain unaffected due to the limited depth and height of the proposal above the boundary fence. As such, although I acknowledge the concerns of the occupants of No. 92, particularly in respect of their young child, I consider the proposal would not cause unacceptable harm to them in terms of a loss of light.
9. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the amenity of the occupants of Nos 92 or 96 in terms of outlook or light. The proposed development would therefore comply with Policy 15 of the Core Strategy (2011) and DM Policies 30 and 31 of the Development Management Local Plan (2014), which broadly state that development proposals should be designed to a high standard, be sensitive to local context and result in no significant loss of amenity to adjoining houses and their back gardens.

Conclusion and Recommendation

10. For the above reasons and having had regard to all other matters raised, I recommend that the appeal should be allowed and prior approval should be granted.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR