
Appeal Decision

Site visit made on 6 October 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/N5660/D/20/3252336

71 Pendennis Road, London SW16 2SR

- 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 Ms Helen Jacobs against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/04752/FUL, dated 23 December 2019, was refused by notice dated 20 February 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

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 effect of the proposal on the living conditions of neighbouring occupiers at No 73 Pendennis Road, with particular regard to outlook.

Reasons

4. The appeal property is a two-storey end of terrace dwelling, with an outbuilding located to the rear along the shared boundary with No 69 Pendennis Road. Permission is sought for a single storey rear extension, following the partial demolition of the outbuilding.
5. The proposed extension would span the full width of the host dwelling and would project along the shared boundary with No 73. This boundary comprises of fencing and some planting, and there is a sense of openness to the long rear gardens. There is a transparent window on the rear of No 73, close to the shared boundary, which serves a habitable room. Whilst the rear garden of No 73 is of a generous depth and currently provides a good outlook to the affected room, the proposed extension would introduce a solid mass of substantial length along the shared boundary which would create an overbearing sense of enclosure and result in an uninviting outlook for occupiers of No 73 when seen from the rear window.

6. There are examples of other single storey rear extensions within the locality. Whilst I have not been provided with their full details, from my observations on site it appeared that they have a limited projection whereas the proposal before me would extend a significant depth within close proximity to neighbouring occupiers. As such, I do not consider the examples to be directly comparable.
7. The appellant suggests that an extension could be erected under permitted development rights which would have a 3 metre (m) projection and that it would have a similar effect as the appeal proposal. Be that as it may, the projection of this proposal would be 2m greater, which is a substantial difference and would be significantly more overbearing. As such, this potential fallback does not serve to justify the proposed extension.
8. Whilst occupiers of No 73 have not objected to this proposal, this does not overcome the harm I have identified. Therefore, for the reasons noted above, this proposal would harm the living conditions of occupiers of No 73 with particular regard to outlook and would conflict with Policy Q2 of the Lambeth Local Plan (September 2015) (the LP) whose purpose, amongst other things, is to ensure adequate outlooks are provided avoiding wherever possible any undue sense of enclosure.
9. The appellant has stated that the LP is out of date as it was adopted prior to the National Planning Policy Framework (the Framework) and therefore a presumption in favour of sustainable development must be applied. The Framework is clear that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework and, due weight should be given to them according to their degree of consistency with the Framework. The purpose of Policy Q2 in protecting the amenity of neighbouring occupiers is consistent with the Framework and therefore, it can be given full weight in the assessment of this proposal.

Other Matters

10. The appellant suggests that the proposal complies with other local and national policies and notes that the Council raise no concern over the effect on the privacy and light of neighbouring occupiers. Be that as it may, these are neutral factors which do not weigh in favour of the proposal.
11. The proposal would provide additional living space for the appellant's family and I acknowledge that this is a private benefit of the scheme. However, these are personal circumstances which can change over time and the development would remain long after such circumstances have ceased to be relevant. I therefore afford this matter limited weight.
12. It is also acknowledged that this proposal could create work for local tradesmen and may result in increased council tax payments. I afford limited weight to this matter as a benefit of the proposal as these economic benefits would be minimal due to the scale of the development. As such, these matters, taken both individually and collectively, are not sufficient to outweigh the harm to the living conditions of neighbouring occupiers that I have identified, which carries significant weight against the proposal.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

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

Susan Ashworth

INSPECTOR