



Appeal Decision

Site visit made on 25 November 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/C5690/W/20/3245475

16-18 Sunderland Road, Forest Hill, London SE23 2PR

- 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 B Hoffman against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/113870, dated 12 September 2019, was refused by notice dated 10 January 2020.
 - The development proposed is extension of rear elevation balconies previously approved in association with planning application Ref DC/18/109664 to enable the creation of additional amenity space for occupiers of the four self contained 2 bed apartments situated at first and second floor level.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of four rear elevation balconies together with the conversion of the roofs of two single outriggers from pitched to flat, and the replacement of four existing windows with glazed doors at 16-18 Sunderland Road, Forest Hill, London SE23 2PR in accordance with the terms of the application, Ref DC/19/113870, dated 12 September 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 balconies hereby permitted shall not be brought into use, until the obscure glazed privacy screens as shown on drawing number: 18-1318-30B have been installed. Thereafter, the privacy screens shall be retained for the life of the development.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved documents and plans: Planning and Design Statement, Location Plan 1:1250 and Drawing number: 18-1318-30B.

Preliminary Matters

2. During the appeal the appellant has confirmed that, since the submission of the planning application, the internal layout of each apartment has been revised and two of the two-bed apartments have been converted to one-bed units. A layout plan reflecting this has also been provided. There have also been some alterations to the rear elevation of the appeal property. Therefore, the existing plans submitted with the planning application do not reflect the existing arrangement. Nevertheless, I have determined the appeal based on the proposed plans which were originally submitted with the application and on which the Council made its decision.

3. For the purposes of my Decision, I have used the description of the proposal, as provided on the appellant's appeal form. Whilst this description is different to that provided on the appellant's application form, it is broadly consistent with that found on the Council's decision notice and clearly describes the development as proposed.

Application for costs

4. An application for costs was made by Mr B Hoffman against the London Borough of Lewisham. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the proposed balconies on the living conditions of the occupiers of the apartments with regard to the quality of accommodation.

Reasons

6. The proposed balconies would be located at first and second floor level, to the rear elevation of the host property. Each balcony would measure about 1.5m in depth and approximately 5.2m in width, providing a space of about 7.8m². Obscure glazed privacy screens of about 1.7m in height are to be provided on either sides of the balconies and black steel balustrades would enclose the fronts of these. Along with other alterations, to facilitate access to the proposed balconies, four windows on the rear elevation would be replaced by fully glazed doors.
7. The removal of each window and its replacement with a door would result in a modest area of each kitchen being used for access to the balcony, which otherwise could be utilised for the siting of, for example, storage units or appliances. Nevertheless, each proposed door would open outwards onto a balcony and therefore there would be no net reduction in internal space for each kitchen. Furthermore, the appellant's evidence shows that there would still be sufficient space within each kitchen for a range of units and appliances. Therefore, the overall functionality of the kitchens would not be undermined.
8. Moreover, the proposed balconies would provide outdoor amenity space for the occupants of these relatively modest sized apartments, which would significantly improve the overall quality of the existing accommodation.
9. For the above reasons, the proposed development would not harm the living conditions of the occupiers of the apartments with regard to the quality of accommodation. Accordingly, I find no conflict with Policy 3.5 of the London Plan (2016), Core Strategy Policy 15 of the Core Strategy Development Plan Document (2011) and DM Policy 32 of the Development Management Local Plan (November 2014), insofar as these seek to secure high quality design in new developments, including layout of rooms to meet the functional requirements of future residents.

Other matters

10. Concerns in respect of the effects of the proposed balconies on the living conditions of neighbours in relation to a range of matters were dealt with in detail in the Council's report to Planning Committee. I have also carefully

considered these and on the evidence before me and my visit, I have no strong reasons to reach any different conclusions.

11. The effect of the proposed balconies on the character and appearance of the area is not a matter of dispute between the main parties. Nonetheless, I have considered this in light of third-party representations. Although the proposal would introduce balconies to the rear elevation of the terrace, due to their simple forms, limited sizes and incorporation of balustrades, these would appear as subordinate additions in the context of the wider terrace block.
12. Furthermore, due to being located along the rear elevation of the appeal property, the proposed balconies would be largely screened by existing buildings and therefore views of these would be very limited from public vantage points, with some private views available from nearby dwellings. For these reasons, the proposed balconies would not unacceptably harm the character and appearance of the area. I am aware that a previous scheme for balconies has been approved at the appeal property, which also incorporated an external staircase. Therefore, the external appearance of that scheme is different to the proposal before me, which I have determined on its merits.
13. Similarly, applications for any other balconies would have to be assessed on their merits, having regard to the relevant considerations specific to each property at that time. As such, my findings in relation to this appeal would not set a precedent.
14. The level of information submitted with the application is proportionate and acceptable in the context of the proposal and its surroundings. Any discrepancies in the information provided do not alter my findings on the main issue. Matters relating to any alleged breaches of planning control at the appeal property, are not for this appeal.

Conditions

15. In addition to the standard timescale condition which limits the lifespan of the planning permission, I have imposed a condition specifying the approved document and drawings as this provides certainty.
16. Details of the proposed openings to the rear elevation of the appeal property are shown on the approved drawing and there are no string reasons to require these to be installed prior to the occupation of the residential units and retained in perpetuity, as requested by the Council. Particularly, as the apartments are already occupied. Also, based on the submitted information, it is not necessary to require further details of proposed materials and finishes by a condition.
17. To safeguard the privacy of neighbours, I have imposed a condition requiring the installation of privacy screens to the balconies.

Conclusion

18. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR