



Appeal Decision

Site visit made on 20 November 2020

by Rebecca McAndrew BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020.

Appeal Ref: APP/A5840/W/20/3248253

10 Grove Lane, London, SE5 8SY

- 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 J Sokal against the decision of Southwark Council.
 - The application Ref 19/AP/6268 dated 2 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is a ground floor and first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of the neighbouring property (No 8 Grove Lane), with particular regard to daylight and sunlight, outlook and privacy.

Procedural Matter

3. I was unable to gain access to the rear garden of the appeal property on my site visit as the Appellant did not attend. However, I was able to view the rear of the Appeal property and neighbouring buildings from the supermarket carpark to the rear, albeit the high rear boundary wall obstructed ground level views. I am satisfied that, based on my site visit and the detailed drawings submitted in respect of the appeal, I am able to determine the appeal. Both parties have confirmed they are satisfied with this approach.

Reasons

4. The proposed extension would span the full length of the rear garden of the Appeal property at ground floor level and almost the full length of the garden at first floor level. Whilst the extension would be set in from the joint boundary with No 8 Grove Lane, it would come closer to that property than the existing rear projection. The addition of the proposed full-length extension would exacerbate the sense of enclosure that arises from the garden space of No 8 already being bounded on two sides by high boundary treatments, to properties on Jephson Street and the supermarket carpark to the rear. In view of the overall bulk and position of the proposed extension, it would have an unacceptable overbearing impact on the adjacent private garden space and unduly harm outlook from that area.

5. Given the mass of the proposed extension and its orientation in relation to the pathway of the sun - which travels east to west – the Appeal proposal would also unduly reduce the level of sunlight which the neighbouring garden currently enjoys. Again, this would harm the neighbours’ enjoyment of their private garden space. It is however acknowledged that, given that the proposed extension would be setback from the boundary and would not be significantly higher than the projection it would replace, it would not significantly reduce the level of daylight to the neighbours’ garden or rear windows.
6. The proposed extension would include a window at first floor level which would look directly into the rear garden of No.8. This would have an unacceptable impact on the living conditions of the neighbours, in terms of loss of privacy. The Appellant has suggested that the window could include obscured glazing to address this concern. However, this would be the only living room window for this flat and it would be unreasonable to expect the residents to have no outlook from a main habitable room. This suggested condition would therefore fail to meet the tests set out in the NPPF (2019) (Paragraph 55).
7. The proposed roof terrace at first floor level would also look directly over the private garden area of No 8. However, I am satisfied that a condition could be attached to any consent granted requiring the appellant to include a screen on the side of the terrace to safeguard the privacy of the neighbours. I therefore offer this matter limited weight in considering the appeal.
8. In conclusion, the proposal would represent unneighbourly development which, for the reasons given, would have an unacceptable impact on the neighbours’ (No 8) enjoyment of their private garden space. The proposal is therefore contrary to Strategic Policy 13 of the Core Strategy (2011), saved Policy 3.2 of the Southwark Plan (2007) and the requirements of the Technical Update to the Residential Design Standards SPD 2011 (2015) which, taken together, seek to safeguard the living conditions of present and future occupiers.

Other Matters

9. I note that neighbouring properties – Nos 12 and 14 - include rear projections which extend the full length of their curtilages. Those schemes differ from the appeal proposals in terms of relationship with adjacent dwellings. That aside, each proposal must be considered on its own merit. As such I have found the appeal proposal would result in significant harm to the living conditions of the residents of the neighbouring property at 8 Grove Lane, in terms of sunlight, outlook and privacy.

Conclusion

10. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR