



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/D/20/3252250

19 Jennings Road, London, SE22 9JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- The appeal is made by Mr Singhvi against the decision of Southwark Council.
- The application Ref 20/AP/0770, dated 6 March 2020, was refused by notice dated 14 April 2020.
- The development proposed is a single storey rear extension.

Appeal Ref: APP/A5840/D/20/3252249

19 Jennings Road, London, SE22 9JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- The appeal is made by Mr Singhvi against the decision of Southwark Council.
- The application Ref 20/AP/0769, dated 6 March 2020, was refused by notice dated 16 April 2020.
- The development proposed is erection of single storey rear extension.

Decisions

Appeal A: APP/A5840/D/20/3252250

1. The appeal is dismissed.

Appeal B: APP/A5840/D/20/3252249

2. The appeal is dismissed.

Procedural Matters

3. As set out above, there are two appeals on this site which include two different forms of single storey rear extension. Whilst I have considered each proposal on its own merits, in order to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

Background

4. Development permitted under Class A of the GDPO is subject to certain conditions. Paragraph A.4(5) of Class A of the GDPO requires the local planning authority to notify adjoining owners or occupiers about the proposed

development. Paragraph A.4(7) of Class A of the GDPO sets out where any owner of occupier of adjoining premises objects, the prior approval of the local planning authority is required as to the impact of the proposed development on the living conditions of any adjoining properties. An objection has been made by the resident of the adjoining property, No 21 Jennings Road.

Main Issue

5. The main issue for Appeal A is the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties Nos 17 and 21 Jennings Road, in terms of outlook.
6. The main issue for Appeal B is the effect of the proposed development on the living conditions of the occupier of neighbouring residential property No 21 Jennings Road, in terms of daylight and outlook.

Reasons

7. Both appeal proposals would introduce a relatively large single storey extension into the rear garden of the appeal property. The Southwark Local Plan (2007) (LP) Policy 3.2, Core Strategy Policy 13 (2011) (CS) and the 2015 Technical Updated Design Standards seek to protect the living conditions of neighbouring residents, in terms of daylight and outlook.
8. The single storey extension, which is the subject of Appeal A, would extend the full width of the property and project 5 metres from the rear elevation. The Council's reason for refusal cites harm to the living conditions of adjacent properties Nos 17 and 21 in respect of outlook.
9. The single storey extension, which is the subject of Appeal B, would also extend 5 metres from the rear elevation of the appeal property, but would be divided into 2 tiers. The first tier would span the full rear elevation of the property and would be 3 metres deep. The second tier would be 2 metres deep and would be set in from the boundaries on each side by 0.65 metres. The Council's reason for refusal cites harm to the living conditions of adjacent property No 21 in respect of outlook and daylight.
10. Given the height and depth of the extension proposed by Appeal B, as well as its position on the boundary with adjacent property (No 21), it would unacceptably harm the level of natural daylight to that neighbour's ground floor rear window. I note that there is a difference in ground levels between the appeal property and that the neighbour's rear window benefits from a southern facing aspect. However, these factors would not sufficiently mitigate the loss of daylight which the neighbour would experience.
11. Even with the difference in ground levels, the height and overall length of both extensions would create an unacceptable sense of overbearing and enclosure to the neighbouring property No 21. An existing single storey rear extension sits on the boundary of No 21 with No 23. This, coupled with the overall mass of either of the proposed extensions, would have a harmful tunnelling effect on the outlook of the neighbouring property.
12. I acknowledge that there is an existing high boundary fence between No 19 with No 21. However, the trellis element of that structure allows views and daylight through it, reducing its overall impact. Therefore, this does not alter

my concerns that both of the proposed extensions would harm the living conditions of the resident of adjacent property (No 21).

13. Whilst the Appeal B extension proposes a second tier which would be lower in height than the first tier and set in from the boundary, the overall bulk of the extension when viewed from the rear garden or glazed rear door of the neighbouring property (No 21) would be perceived as a whole. Therefore, this set back would do little to reduce the sense of overbearing or the tunnelling effect which the adjacent resident would experience.
14. For these reasons, in my view, the extensions which are the subject of both appeals would result in unacceptable harm to the living conditions of the resident of No 21 and would reduce enjoyment of their property. Both Appeal schemes would therefore be contrary to SLP Policy 3.2, CS Policy 13 and the 2015 Technical Updated Design Standards.
15. The joint boundary with adjacent property, No 17, includes a single storey rear extension which is roughly 3 metres in depth, as well as a good level of vegetation / hedgerow along most of the remaining boundary. Both of these features would obscure views of the extension proposed by Appeal A. In view of this, the scheme would not significantly harm the outlook of that property. Therefore, this proposed relationship would be acceptable.

Other Matters

16. The appellant has referred to permitted development rights as a potential fallback position. It is noted that the appellant would be able to construct a single storey rear extension under permitted development rights which would extend the full width of the property, measure 3 metres in depth and be 3 metres in height. Whilst the appellant's statement includes one computer generated image of this scheme, no detailed plans have been received in this respect. Nonetheless, it is acknowledged that an extension allowed under permitted development, could have a similar impact on the level of daylight to the neighbouring property (No 21) as the Appeal B proposals. However, given its reduced depth, the permitted development scheme would have less impact on the outlook of the resident of No 21 than either of the Appeal proposals. I am therefore satisfied that the permitted development scheme would overall be less harmful to the living conditions of the neighbour and, as such, I offer limited weight to this matter.

Conclusion

17. For the reasons above, in both appeals, I have found harm to the living conditions of the resident of No.21 in respect of outlook. The Appeal B proposals would also harm the living conditions of that resident in terms of loss of daylight. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Accordingly, I conclude that both appeals should be dismissed and prior approval refused.

Rebecca McAndrew

INSPECTOR