



Appeal Decision

Site visit made on 23 November 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/C5690/D/20/3255095

58 Barriedale, London SE14 6RF

- 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 Emily Stevens against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/115676, dated 11 February 2020, was refused by notice dated 8 April 2020.
 - The development 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.

Preliminary Matters

3. During my site visit, I observed that the rear extension had already been built. I have therefore provided my recommendation on the basis that this appeal relates to a retrospective application.

Main Issue

4. In the statement of case, the appellant states that primary reason for refusal is the effect of the development on daylight to the habitable rooms of No 60. However, it is clear from the officer's report and decision notice that the primary reason for refusal was the development's overbearing impact in so far as its effect on the outlook of No 60's occupants. The main issue therefore is the effect of the development on the living conditions of the occupants of No 60 Barriedale, with particular regard to outlook.

Reasons for the Recommendation

5. The appeal site comprises a two-storey, mid-terrace dwellinghouse on the western side of Barriedale. The extension is shown as being around 3.2m high and 4m deep on the plans. During my site visit, I saw that the development extended along the depth of the shared boundary with No 60 to the south. I also saw that No 60 has not been subject to any rear extension. Due to its excessive height and depth, the development introduces a sheer wall which would appear especially obtrusive and dominant within views from the rear-facing ground-floor patio doors of No 60. As such, the development causes unacceptable harm to the living conditions of No 60 in terms of outlook.
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6. The appellant has provided significant amount of evidence relating to the extension's effect on the sunlight and daylight received by No 60 and the application of the 45-degree test as set out in the Alterations and Extensions Supplementary Planning Document 2019 (the SPD). Whilst this test can indicate whether a development would have an overbearing impact, this is largely with respect to sunlight and daylight, which is not the focus of the Council's concern.
7. I acknowledge that the current occupants of No 60 have provided a letter of support for the development. However, this does not mean that the development would provide sufficient outlook for future occupants of No 60, and paragraph 127 of the National Planning Policy Framework (the Framework) advises that development should provide a high standard of amenity for future as well as existing users.
8. The appellant has referred me to many rear extensions within the surrounding area, particularly that at No 76. However, that extension was permitted under a different national and local policy framework and against a different supplementary guidance. Indeed, all of the examples given where planning permission, as opposed to prior approval, was granted, predate the adoption of the Development Management Local Plan (2014) (DMLP), the SPD and the current version of the Framework. In any case, each appeal must be considered on its own merits and an extension which fails to meet the current recently adopted guidance, such as this, should not be justified by other extensions which also now fail to meet the current guidance.
9. The appellant has provided rendered images which illustrate the development as seen from within the kitchen of No 60. The perspective of these images indicates that the development is not prominent from this position. However, standing closer to the patio doors or standing at the kitchen worktop, the development would appear more prominent than the previous structure would have and dominates the outlook to the rear.
10. I understand that the appellant had been informed by the Council that a rear extension of 4m could be constructed without prior approval, which is incorrect advice. While I have some sympathy, the matter of whether or not an application for prior approval would have been successful is speculative, despite the support from one neighbour, and provides no justification for the development before me. The development was built without either planning permission or prior approval and so must now be assessed retrospectively with due regard to the Council's development plan.
11. For the above reasons, I conclude that the development causes unacceptable harm to the living conditions of the occupants of No 60 Barriedale, with particular regard to outlook. The development therefore conflicts with Policy 15 of the Core Strategy 2011 and Policy DM31 of the DMLP, which respectively state, amongst other things, that development should be sensitive to local context and should not cause harm to the amenity of adjoining houses.
12. The development also conflicts with the SPD, which states that extensions should not exceed 3m in height and 3m in depth and should not result in an overly dominant impact on adjoining properties.

Other Matters

13. I accept that the development does not adversely affect neighbouring living conditions in terms of light or privacy and has an attractive appearance. Regardless, this does not justify the harm that it causes to the outlook of the occupants of No. 60.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR