
Appeal Decision

Site visit made on 5 February 2021

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2021

Appeal Ref: APP/C5690/W/20/3255727

Flat 1, 39 Sutherland Road, LONDON, SE23 2PS

- 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 Mark Petty against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/115886, dated 24 February 2020, was refused by notice dated 6 May 2020.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

3. The appeal site is a ground floor home on the northern side of a substantial semi-detached property with generous rear garden space to the rear of this 5-flat conversion. The proposal is a flat roofed rear extension with parapet and it would have a width of some 6.5 metres with depth of about 4m and maximum height above ground level of around 4.2m.
 4. The extension would run along the shared boundary with No 37 Sunderland Road which lies to the north and is presently screened by fencing a little under 2m in height. That property's rear building line lies outward from the appeal property by a little under a 1m. The south side of the proposed extension would stretch to the presently unscreened boundary with Flat 2; this flat has a small conservatory across most of its rear elevation.
 5. The extension would impose a substantial blank brick wall to No 37 on that property's southern side. The sheer extent of the side wall because of its ungainly and unusual height, which in part stems from the floor level and ground level relationship and in part from a parapet approach, and because of its length, would be over-dominant to the nearest household in No 37. It would form excessive blinkering to the nearest room, an oppressive structure to the nearest part of the garden, and would by reason of scale, siting and orientation
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cause a degree of shadowing beyond the norm one might reasonably expect with a semi-detached relationship. In the form proposed this extension would be unacceptably unneighbourly to the relevant household in No 37. I say this notwithstanding a lack of objection from that household as I have to look at the protection of amenity in the long term for housing stock as a whole.

6. Turning to the effect on the adjoining flat (2) to the south, again this would be a large and stark edifice albeit, given orientation, without interference to sunshine. I would not sanction this scheme in isolation. I do recognise that the occupier in Flat 2 wishes to erect an adjoining extension (the subject of appeal ref APP/C5690/W/20/3255721) of the same depth and height and obviously if this was to go ahead then all other things being equal my concerns for loss of amenity to Flat 2 would be negated. However, aside from any decision on the parallel appeal, there are two problems. Firstly, I have no legal linking between the applications for Flat 1 and Flat 2 schemes – there is no legal obligation submitted or joint application lodged – and so I cannot make the irreversible assumption of the two structures being built as one. I recognise both parties are presently promoting joint working but circumstances can change. Secondly, returning to paragraph 5 above, the scheme whether built as one across Flats 1 and 2 or just as the Flat 1 proposal I am dealing with in this appeal, is unacceptably large when seen in relation to the protection of amenity for No 37.
7. The Council cites Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011), DM Policy 30 Urban Design and Local Character and DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions of the Development Management Local Plan (2014), and the Alterations and Extensions SPD (2019). Taken together and amongst other matters these seek to protect residential amenity. I conclude that the proposal would conflict with the policies. It would also run contrary to the SPD guidance which is referred to albeit I would always recognise that the latter should be interpreted with a degree of flexibility and could not be expected to cover every eventuality.

Other matters

8. I would add that I noted that the rear building line locally did vary but I saw no direct comparisons in siting or scale terms to the case in hand and in any event I must determine the current proposal on its own merits. I do sympathise with the wish to provide additional accommodation and I have carefully considered all the points raised by the Appellant. Nevertheless, these matters do not outweigh the concerns which I have in relation to the main issue identified above. I trust however that through using good design, collaborative working with the adjoining owner, and through the Council's planning process a beneficial development can be achieved.
9. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR