
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/20/3255721

Flat 2, 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 Alasdair Dunlop against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/115887, 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 southern 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 4.3 metres with depth of about 4m and maximum height above ground level of around 4.2m.
 4. The extension would run close to the shared boundary with No 41 Sunderland Road which lies to the south beyond a private pathway and is presently unscreened with its patio area open to view from the garden and conservatory of the appeal flat. On the north side the proposed extension would stretch to the presently unscreened boundary with Flat 1 and project about 4 m out from its rear ground floor wall and windows.
 5. Whilst the extension would impose a substantial blank brick wall to No 41 this would be on its northern side, with some slight separation, and could be seen to enhance privacy compared to the present fully glazed conservatory and open land situation. Given this I would disagree with the Council on the question of unacceptable loss of amenity to occupiers of No 41.
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6. Turning to the effect on the adjoining flat (1) to the north, this would be a large and stark edifice by reason of the height, depth and siting of the side wall and with its southern orientation would result in some interference to sunshine. Loss of amenity would be appreciable to occupiers of Flat 1. I would not, therefore, sanction this scheme in isolation.
7. However, I do recognise that the occupier in Flat 1 wishes to erect an adjoining extension (the subject of appeal ref APP/C5690/W/20/3255727) of the same depth and height and to the boundary with Flat 2 and obviously if this could go ahead then all other things being equal my concerns for loss of amenity to Flat 1 would be negated.
8. There are two problems with this scenario. 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, more fundamentally in this instance, there would be nothing to tie into anyway as there is no planning permission for the extension at Flat 1 because the extension proposed for that home has been found to be unacceptable in amenity terms to those residing in No 37.
9. 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

10. 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 with the adverse impacts I identify to Flat 1. 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.
11. 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

12. 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