



Appeal Decision

Site visit made on 15 February 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/C5690/D/20/3263595

91 Chinbrook Road, London SE12 9QL

- 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 Shane Roach against the decision of London Borough of Lewisham.
 - The application Ref DC/20/118136, dated 26 August 2020, was refused by notice dated 14 October 2020.
 - The development proposed is a ground floor side extension, first floor side extension, garage conversion and all associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor side extension, first floor side extension, garage conversion and all associated works at 91 Chinbrook Road, London SE12 9QL in accordance with the terms of the application, Ref 20/06318/FUL, dated 29 May 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development on the application form was altered to "*The conversion of the garage to habitable accommodation at 91 Chinbrook Road SE12 together with the construction of a single storey side/ rear extension, first floor side extension incorporating a mezzanine level and elevational alterations*". The original description sufficiently describes the development proposed and I have utilised it for the purposes of this appeal.
3. The London Plan 2021 (LP 2021) was published on 1 March 2020 and is now part of the development plan. I invited the main parties for the appeal to express their views on the LP 2021, as it relates to the appeal.

Main Issues

4. The main issues are the effect of the first-floor element of the proposal on the character and appearance of the host dwelling and semi-detached pair.

Reasons

5. The appeal site is located along Chinbrook Road, a predominantly residential road with a strong urban to suburban character. There are a broad variety of building types, sizes and designs in the immediate vicinity of the appeal site. There are also several side extensions of the same size and similar design to

the appeal proposal along Chinbrook Road. The appeal site is a semi-detached dwelling; it is finished in render and has a hipped roof.

6. The proposed first floor extension would project above the existing garage to the side of the dwelling and would feature a side-gabled roof. Whilst there would be only a modest setback from the front elevation, the mass of the extension would be articulated through the projecting single storey flat roof and would follow the footprint of the existing garage. Further, the proposed extension would extend half the width of the dwelling and its roof profile would be lower than that of the host dwelling. The proposal would respect the architectural proportions of the existing dwelling in respect of eaves height and fenestration detailing.
7. Although the gable-end would not match the roof type of the host dwelling, it would be set down from the ridge line of the main roof and would appear subordinate in scale, despite its width. There are a variety of roof types in the vicinity, including extensions with different roof types to the main dwelling.
8. The Council highlights that the Alterations and Extensions SPD (SPD) says extensions exceeding one storey in height can harm the openness which contributes to local character, and for this reason, side extensions should be set-in from the boundary by at least one metre. Whilst this guidance is helpful in a particularly open context, at the appeal site the extended dwelling would retain the distance of the host dwelling with its boundaries. Indeed, the extended dwelling would have a similar relationship with its boundaries as other dwellings in the vicinity, including adjacent extended dwellings. Moreover, openness in the vicinity of the appeal site derives from the width of the road, pavements and set-backs of properties. In any case, the Council's stated reasons for refusal are limited to the proposal's effect on the host dwelling and semi-detached pair, rather than the character of the wider area.
9. As such, by reason of its width, scale, proportions and design, the proposal would appear as a subordinate addition to the host dwelling and would not create a terraced appearance for the semi-detached pair (which would not be out of keeping with the wider area in any case). The proposal would therefore comply with policy 15 of the Lewisham Core Strategy Development Plan Document (CS) adopted in 2011, policies DM20 and DM31 of the Lewisham Development Management Local Plan (LP), adopted in 2014, policies D1, D3, D4, D6 and H9 of the LP 2021 and the National Planning Policy Framework. These policies seek, amongst other things, to ensure good quality design through a design led approach which takes account of, and contributes to, local character.

Other Matters

10. An interested party has expressed concern regarding the effect of the proposal on the living conditions of occupiers of neighbouring property. Given the side-to-side relationship between dwellings and the scale of the proposal, there is unlikely to be any unacceptable adverse effect on living conditions.

Conditions

11. I have imposed the standard time limit and approved plans conditions to ensure the proposal is carried out in a timely fashion in accordance with the details approved. I also consider it necessary to impose a condition which

would prevent the flat roofed areas from becoming balconies, to protect the living conditions of neighbouring occupiers.

Conclusion

12. For the reasons stated above, I find that the appeal proposal accords with the relevant policies of the Development Plan. The appeal is therefore allowed.

Kim Langford Tejrar

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall not begin later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1228- 103 A, 1228- 104 A, 1228- 203 A, 1228- 204 A.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no doors shall be inserted to provide access to the flat roofed areas to create balconies.