



Appeal Decision

Site visit made on 30 October 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 November 2020

Appeal Ref: APP/E5330/W/20/3249347

160 Courtlands Avenue, London SE12 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Revi Walker (Walker Properties) against the decision of the Royal Borough of Greenwich.
 - The application Ref 19/3041/F, dated 30 August 2019, was refused by notice dated 31 January 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 160 Courtlands Avenue, London, SE12 8JB in accordance with the terms of the application Ref 19/3041/F, dated 30 August 2019, subject to the following conditions:
 - (i) The development hereby permitted shall begin no later than three years from the date of this decision.
 - (ii) The development hereby permitted shall be carried out in accordance with the following approved plans:

01,02,03,04,05,RPI,BP1 and site location plan (Ref LP1).
 - (iii) The materials to be used for the extension hereby permitted shall match those of the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work unless otherwise stated on the approved drawings and shall be retained for the lifetime of the development.
 - (iv) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area without the written consent of the local planning authority.
 - (v) Works of demolition and construction shall be carried out during normal

working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays.

Application for Costs

2. An application for costs was made by Mrs Revi Walker (Walker Properties) against the decision of the Royal Borough of Greenwich. This application is the subject of a separate Decision.

Procedural Matter

3. The application forms describe the proposed development as for a single storey rear extension and front cross over and off-street parking. However, the proposed single storey cross over and off-street parking was subsequently removed from the application. Therefore, I have determined the appeal based on the single storey rear extension only.

Main Issues

4. The main issues are (i) the effect of the proposal upon the character and appearance of the building and area and (ii) the effect upon the living conditions of the occupiers of the ground floor apartment at No 21 Courtlands Avenue and for those at No 19 Courtlands Avenue with regard to privacy and outlook.

Reasons

Character and appearance

5. Courtlands Avenue forms part of a larger housing development largely constructed at the same time and which is characterised by two and three storey dwellinghouses and apartments which are brick built and with double pitched roofs. The area includes grassed open spaces and tree lined roads which give a pleasant, landscaped appearance. Vehicles are generally parked on the roadsides.
6. 160 Courtlands Avenue is a ground floor apartment in a three-storey apartment block within a cul-de-sac. There is access to the rear amenity space around the side of the property. The single storey rear addition would extend along the length of the ground floor apartment and would project from the existing rear elevation by some 3 metres. There would be apartments above it and to the side. Immediately to the West of the site is a block of garages and where the walls are some 2 to 2.5 metres high. The garden boundary with the property to the East is wooden fencing with hedging and shrub planting on the appellant side of approximately 1.5 to 2 metres in height. The proposed extension would be some 3 metres in height.
7. The proposed development would be constructed using materials for the external walls to match the existing building. It would not be readily viewed from public vantage points, though I note that it would be seen from the windows of adjacent apartments and dwellings and from those above. However, I consider that the proposed extension, by its relatively limited proportions, its single storey construction and the use of matching materials,

would not detract to an unacceptable degree from either the character and appearance of the property or from that of the general area.

8. The Local Planning Authority (LPA), in its officer report, also refers to the Council's Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document 2018, though it is not referred to in the refusal notice. Nevertheless, I agree that the proposed development accords with its provisions, as outlined in the officer report, in that it would not have a depth exceeding 3.6 metres, its flat roof would not be seen between or over other properties in the street and it would be set in from the property boundaries.
9. Therefore, I conclude that the proposed extension accords with Policies 7.4 and 7.6 of the London Plan 2016 (LP) which require new development to be of high quality design regarding the character and appearance of the urban structure, and also with the Royal Greenwich Local Plan Core Strategy 2014 (CS) policy DH1 which has a similar aim. CS policy DH(a) is not supportive of flat roofs where these can be seen from the public highway, but that is not the situation in this case, and I conclude that it is therefore in conformity with its provisions.

Privacy, outlook and enclosure

10. The LPA considers that the occupants of no's 158, 162, 164, 166 and 168 Courtlands Avenue would be unacceptably affected by the proposed development by a loss of privacy and a sense of enclosure. No 158 is located on the second floor while No 162 is on the first floor directly above the proposed extension. The other apartments adjoin it.
11. However, so far as privacy is concerned, there are no roof lights proposed which might adversely affect occupiers above. So far as the impact on a sense of enclosure is concerned, the proposed extension is very modest in its width and is single storey, all of which would limit any such impact.
12. Therefore, I conclude that the proposed development would not cause harm to the occupiers of neighbouring properties in respect of privacy and outlook. It would accord with LP policy 7.6 which aims to protect the amenities of adjoining occupants in relation to issues of privacy, and with CS policy DH(b) which aims to do the same and to avoid a sense of unacceptable enclosure. It would meet the requirements of LP policies DH1 and DH(a) regarding the scale of the proposed development in so far as it relates to privacy and a sense of enclosure.

Other Matters

13. Concern has been expressed that the proposed extension would make it difficult to maintain the roof and gutters above it and for access for window cleaning, general maintenance, and painting. The proposed extension would add to such costs because of greater access difficulties and the possible need for scaffolding. However, such concerns are made while acknowledging that reasonable access for such things must be allowed, but in addition, these are matters of a legal nature which are separate to the planning merits of the proposed development.

14. It is suggested that security, which might be compromised by the access to windows above and which might not then be left open, would be contrary to the principles of Secured by Design. However, I have no information before me to indicate that theft and intrusions are a significant issue in the area. Furthermore, it is not uncommon to have single storey development positioned below higher development and no doubt the occupiers of the development above would be able to ensure appropriate security to their properties.
15. The impact of the proposed extension upon sunlight and lighting, especially to the neighbouring ground floor flat has also been raised, including reference to the '45-degree rule' relating to daylight and sunlight into adjoining windows. It is stated that such a 'rule' limits the length of any extension to a maximum of 2.6 metres. However, the Council's Residential Extensions, Basements and Conversions Supplementary Planning Guidance, 2018 (SPG) advises at paragraph 5.4 that rear extensions should not normally project out more than 3.6 metres from the rear wall of the original house in order to avoid loss of sunlighting and daylighting to adjoining occupants. The proposal would not conflict with the SPG in terms of its rear projection.
16. Other objections are that the proposed extension would take up approximately a quarter of the garden area and views from adjoining apartments around and above it will be poorer. However, the Courts have held that a right to a view is not a material planning consideration. In addition, the SPG at paragraph 4.25 advises that normally no more than 50% of the existing garden space should be used. The proposal would not take up more than 50% of the existing garden space.
17. Concerns have been raised regarding the possible adverse impact upon the foundations by the demolition of part of the existing rear wall. However, I have no information before me to suggest that the construction of the proposed development would lead to any abnormal or insurmountable building consequences. Similarly, drainage concerns have been raised, but I have no information before me to indicate that there would be any adverse consequences.
18. It is suggested that allowing the appeal would set an undesirable precedent for similar developments and also that the proposed development, once implemented, might give rise to the use of the property for bed sits or for use as a house in multiple occupation. However, I have determined the application on its merits and for the development as described.
19. Other concerns relate to car parking stress in the cul-de-sac and which it is claimed would be exacerbated by the enlarged apartment. However, no such concern is raised by the LPA. I have no evidence before me about any potential car parking stress in the cul-de-sac. Whilst my site visit was only a snap-shot in time, I was able to see that there was some spare on-street car parking space available. The evidence is such that I do not therefore consider that it would be reasonable to refuse the appeal in respect of car parking.
20. It has been suggested that the proposed development might be contrary to lease terms relating to the property. The grant of planning permission would not override separate lease requirements: this is a separate legal matter.

21. Others are concerned that the enlarged property might be let to persons who might not respect the quiet and peaceful surroundings of the area. However, such concerns are speculative, and I am unable to give them any significant weight as part of the determination of this appeal.
22. It has been stated that the application has not been advertised fully by the LPA, meaning that not everyone has had an opportunity to make representations. I have no knowledge of such matters and the LPA has made no comments concerning it. According to the Council's questionnaire, it did undertake the required public consultation.
23. Having considered the above and all other issues, I conclude that both individually and collectively they do not alter or outweigh my conclusion upon the main issues.

Conditions

24. I have imposed the standard time condition as well as a condition relating to the approved plans for certainty.
25. I have imposed a condition relating to external materials to ensure that the proposed extension has a satisfactory appearance.
26. I consider it necessary to impose a condition restricting the use of the flat roof to the proposed extension in the interests of the living conditions of the occupiers of neighbouring properties from a disturbance and privacy point of view, and for the same reason I have imposed a condition relating to hours of working.

Conclusion

27. For the reasons outlined above, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR