



Appeal Decision

Site visit made on 10 May 2021

by Joanna Gilbert MA(Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Appeal Ref: APP/X5210/W/20/3248984

142 Bayham Street, London NW1 0BA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Pinal Patel on behalf of i-occupy against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/5496/P, dated 29 October 2019, was refused by notice dated 31 January 2020.
 - The development proposed is a single-storey rear extension stretching 4m out from the original dwelling 142 Bayham Street.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the assessment of the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. During my site visit, I saw that the single-storey rear extension (Ref 2020/1191/P) of approximately three metres in depth has been built. I have considered this appeal accordingly.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of 140 and 142A Bayham Street, with particular regard to outlook and light.

Reasons

5. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse. Paragraph A.1. (g) makes provision, subject to conditions, for single storey rear extensions up to 6 metres in length and 4 metres in height in the case of a terraced house.
6. Situated close to the junction of Bayham Street and Greenland Road, there are three post-war, three-storey terraced houses at Nos 142, 142A and 144. They all have relatively short rear gardens. The appeal site is the last of these

houses, which adjoins the earlier, locally listed terrace of houses at 136 – 140 Bayham Street. Its rear elevation faces the side of the Greenland Road houses. The terrace at Nos 142 – 144 projects further towards the side elevation of the Greenland Road properties than the terrace at Nos 136 – 140. Both Nos 142¹ and 144 have single-storey rear extensions with roof terraces serving their respective first floors. The rear gardens of Nos 136 – 140 are considerably lower and somewhat longer than the gardens at Nos 142 – 144.

7. The proposed development would replace the existing single-storey rear extension with a single-storey rear extension of approximately four metres in depth, 2.96 metres in height and 3.5 metres in width. The proposed extension would be located adjacent to the shared boundaries with Nos 140 and 142.
8. Neighbouring occupiers have raised concerns about light to habitable room windows and to gardens. The appellant has provided a Daylight and Sunlight Assessment (March 2020). This refers to the Building Research Establishment's Site layout planning for daylight and sunlight: A guide to good practice (Second Edition) 2011, (the BRE Guide) and BS 8206: Part 2 'Lighting for Buildings – Code of Practice for Daylighting.'
9. The appellant has considered Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). Given the location of the proposed development relative to the sun's movement, the only property considered in the assessment is No 142A. The relevant window in this instance is therefore the ground floor window to No 142A.
10. The BRE Guide confirms that if the VSC with the new development in place would be both less than 27% and less than 0.8 times its former value, a reduction in the amount of skylight will be noticed. Additionally, it confirms that the relevant window should receive at least 25% of available annual sunlight and more than 5% in Winter months² and 80% of its former value.
11. The appellant's analysis indicates that the VSC for this window is currently 26.2%. With the proposed development in place, the VSC would reduce to 23.1%. This figure would be 87.8% of its former value. Furthermore, the window would retain 80% of current APSH and WPSH. As such, I consider that the daylight and sunlight received through the relevant window would be acceptable.
12. With regard to light to the garden area of No 142A, the assessment measures sunlight hours on 21st March. In this instance, the sunlight would reduce from 38.3% to 31.2%, providing over 80% of the former value. This is acceptable.
13. In relation to the house and garden at No 140, the alignment of the existing houses at Nos 140 and 142 and the proposed development is such that any change in lighting would be minimal for No 140. Given this, the findings set out above, and the Council's agreement that their reason for refusal on light is not sustained, the proposed development would not give rise to harmful loss of light to Nos 140 and 142A.
14. In terms of outlook, the house at No 142A presently has extensions at both Nos 142 and 144 directly adjoining its garden and rear elevation. The house at No 140 is three storeys at the front with a lower ground floor which is at rear

¹ Ref 2020/1191/P Certificate of Lawfulness (Existing) for the single-storey rear extension at the appeal property.

² 21st September to 21st March

- garden level. When looking at No 140 from No 142's rear garden, it is evident that there is a large drop in garden heights between the site and No 140.
15. While the proposed development is not particularly tall for this type of development and it would be flat-roofed to further mitigate any detrimental effect, it would provide an additional metre of single storey rear extension in comparison to the existing single storey rear extension present on site. Notwithstanding the small increase in depth proposed, the proposed development would elongate the existing long wall stretching from the point where the appeal site adjoins the rear elevations of No 140 and No 142A. As a result of the lower level of the rear garden of No 140 and the existing enclosure of the garden of No 142A by adjoining extensions, an undue sense of enclosure would be created.
16. Although the appellant could erect boundary treatments up to two metres in height under permitted development and the increase in built form over and above the existing single storey extension is only a further metre in depth and just under a metre in height over and above a two metre fence, the additional height and depth of the proposed development would result in a dominant addition which would unduly affect the outlook of neighbouring properties at Nos 140 and 142A.
17. The appellant has drawn my attention to an appeal³ at 25 Holmdale Road. While this is also for a single storey rear extension under prior approval and both that appeal and the appeal before me refer to fall-back positions of previously approved schemes for single storey rear extensions, the two sites do not appear to have entirely similar circumstances in terms of the layout of homes and gardens. As such, this appeal decision does not alter my findings.
18. Although neighbouring occupiers have raised concerns about the scale of the proposed development in its context, and the effect on views and green space. I am restricted to considering the effect of the proposed development on the amenity of any adjoining premises.
19. Concluding on this main issue, the proposed development would have an unacceptable effect on the living conditions of the occupiers of 140 and 142A Bayham Street, with particular regard to outlook. This would therefore fail to comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion

20. For the reasons set out above, the appeal is dismissed.

Joanna Gilbert

INSPECTOR

³ APP/X5210/D/16/3160499, decision issued on 10 January 2017.