



Appeal Decision

Site visit made on 14 June 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/C5690/W/20/3266025

Flat B, 106 Dartmouth Road, London SE26 4RW

- 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 William Dalton against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/20/116553, dated 27 April 2020, was refused by notice dated 6 July 2020.
 - The development proposed is the installation of wooden balcony to the existing flat roof at the rear of Flat B, 106 Dartmouth Road, SE26, in connection with its use as a roof terrace amenity area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since Lewisham Council's (the Council) refusal of the application Ref DC/20/116553 the Mayor of London adopted a new London Plan and the Government published a revised National Planning Policy Framework. In line with Planning Practice Guidance, my consideration of the issues of this appeal has, therefore, been on the basis of the National Planning Policy Framework (2021) (the Framework), the Lewisham Core Strategy (2011) (the CS), the Lewisham Development Management Local Plan (the DMLP) and the London Plan 2021 (the London Plan). Neither the appellant nor the Council have indicated that this is prejudicial to their cases.
3. The description of development used for the original application includes explanations justifying the proposal, for clarity I have used the description used in the Council's decision notice.
4. The address used for the appeal property varies between the documents submitted for this appeal, for clarity I have used the address that was apparent from my site visit and used in the description of development in the Council's decision notice.

Main Issues

5. The main issues in this appeal are the effects of the proposed development on:
 - the character and appearance of the host building and surrounding area; and
 - the living conditions of neighbouring residential occupiers.

Reasons

Character and appearance

6. The appeal property is a first floor flat in a flat roofed two storey end of terrace property converted to 2 flats, located adjacent to a detached three storey flatted development at Mayode House.
7. The proposed development would create a balcony area with timber decking, balustrade and horizontally slatted side screens, on the flat roof of an existing single storey rear extension to the ground floor of Flat A at 106 Dartmouth Road (Flat A). The proposal would extend approximately 1.8 metres from the rear elevation of the appeal property and across the full width of the existing extension, which sits between expressed party walls.
8. The proposed slatted timber screening, in its design and material, would not reflect the design of the host building and would appear as incongruous in relation to this property and the terrace of which it forms part. Further, the scale and height of the proposal, combined with its elevated position, would result in it not appearing to be a subservient addition to the host building.
9. Whilst there are balconies in the immediate area, notably at Mayode House, but also to Larch House, which is located to the rear of the appeal property, these are designed as original to these buildings and are part of their considered designs. The proposal would not, however, be consistent with the original design of the host building, and, therefore, in views of the rear of the host building and the surrounding local area it would appear as an out of keeping addition.
10. For these reasons, I find that the proposed development would cause significant harm to the character and appearance of the host building, the terrace of which it forms part and that of the local area. This would be in conflict with Policy 15 of the CS, Policies 30 and 31 of the DMLP, Policy D3 of the London Plan and Paragraph 130 of the Framework, which seek, amongst other matters, development that alters and extends existing buildings to be well designed, respecting the design of the existing building and respond to local character, including that of designated Areas of Stability and Managed Change.

Living Conditions

11. Although the proposal would be set back from the edge the roof on which it would be located, and the appellant has indicated that planters would be located on this set back area, the proposal would be to the full width of this extension.
12. Given the height of the proposed screening and the small scale of the gardens of Flat A, 108 Dartmouth Road (No.108) and Mayode house, the proposal would appear as overbearing and experienced as intrusive by the users of these gardens.
13. Further, the proposed side screens would be placed in close proximity to the first-floor rear windows of No.108, from where, the proposal would also appear overbearing and would result in a sense of enclosure.
14. Although overlooking and effect on privacy was not identified by the Council in their reasons for refusal, this was identified in the planning report and concerns in this regard were brought to my attention by neighbouring residential occupiers.
15. From my site visit it was apparent that the proposal would allow direct overlooking of the garden of Flat A and more oblique overlooking of the gardens nearest to the

dwellings at No.108 and Mayode House. Further, the slatted nature of the proposed side screens and their proximity to the first-floor rear windows of No.108 would allow direct overlooking of the rear rooms that these adjacent windows serve.

16. The degree of overlooking afforded by the proposal that I have identified would be experienced by users of these neighbouring gardens and the occupiers of No.108 as intrusive, leading to a loss of privacy.
17. For these reasons, I find that the proposed development would cause significant harm to the living conditions of neighbouring resident occupiers. This would conflict with Policy 15 of the CS, Policy 31 of the DMLP, Policy D3 of the London Plan and Paragraph 130 of the Framework, which seek to ensure, amongst other matters, that development that alters and extends existing buildings protect neighbour amenity and result in no loss in amenity and privacy.

Other Matters

18. The appellant has stated that their reasons for proposing the balcony relate to their family need for amenity space, access which has been particularly important during the current pandemic. However, whilst I have given this significant weight in my considerations, the benefits of the proposal in this regard would not outweigh the harm to the living conditions of neighbouring residential occupiers and to the character and appearance of the host dwelling and that of the local area that I have identified above.
19. I acknowledge that the appellant has sought to respond to comments in an appeal decision¹ for dismissal for a similar proposal for a balcony in this location, however, I have considered the development as proposed on its own merits, which is a fundamental principle that underpins the planning system.

Conclusion

20. For the reasons given above and with the presumption in favour of sustainable development and Paragraph 11 of the Framework in mind, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR

¹ Appeal Ref: APP/C5690/W/20/3250584