



Appeal Decision

Site visit made on 11 August 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021.

Appeal Ref: APP/C5690/W/21/3267682

83 Chudleigh Road, Ladywell, London, SE4 1JX

- 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 Marvin Charles against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/118783, dated 13 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is described as 'My intention is to increase the living space at the property. The house is semi detached and other houses on the road has had similar developments. My intention is to convert the garage and create two floors with a flat roof to the upper floor. It will have an open plan kitchen living space located on the ground floor. One single and one double bedroom to the upper floor. A toilet and bath will also be added to the upper floor. This will increase the living area and space of the home. The drive will be used for parking.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application the London Plan 2021 has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to in the decision notice and submissions are no longer in force. On this occasion, given the nature of the refusal reasons and the main issues identified below, the publication of the new London Plan does not directly change the assessment of this appeal.
3. The appellant has expressed a willingness to set back the first floor of the extension by 1 metre. However, I have not been provided with any drawings showing this amendment. In any event, this alteration would fundamentally alter the development proposed. It is important that in the interests of ensuring no one with an interest in this appeal is unfairly prejudiced, that what is considered at appeal is essentially what was considered by the Council at the planning application stage. Therefore, I have considered this appeal based on the plans submitted to the Council with the planning application.

Main Issues

4. The main issues are:

- The effect of the proposal on the character and appearance of the host dwelling and the area; and
- Whether the use of the extension as a self-contained annex would be appropriate having regard to its siting, design and relationship with the host dwelling.

Reasons

Character and appearance

5. The appeal property is a two storey dwelling which is linked to its neighbour, 85 Chudleigh Road, by a single storey garage with a high parapet wall above it. The proposal is for a first floor side extension above the existing garage and to convert the garage into habitable space.
6. The proposed first floor side extension would be flush with the front elevation of the dwelling. It would adjoin a two storey flat roof extension to 85 Chudleigh Road which is similarly flush with the host dwelling.
7. Policies 15, 30 and 31 of the Lewisham Core Strategy (2011) require all new development to be of a high standard of design. Policy 31 of the CS also states that side extensions should normally be set back and down from the main building line to allow for a clear break between existing buildings and the new work in order to maintain architectural subordination to the original dwelling. This is echoed in paragraph 4.4.6 of Lewisham's Alterations and Extensions Supplementary Planning Document (April 2019) (SPD). Whilst the SPD does not form part of the statutory development plan, it does nonetheless provide useful design guidance.
8. The proposed extension would have a flat roof and, in this regard, would appear subordinate to the host dwelling. However, the front wall of the extension would be flush with the existing front elevation of the dwelling and there would be no visual distinction between the host property and the new extension. The proposed extension would not therefore appear sufficiently subordinate to the host dwelling and would be harmful to its character and appearance. Whilst there are other examples of similar developments having taken place along Chudleigh Road, including at No 85, this does not provide justification for the appeal proposal which should be assessed against current adopted policies and guidance.
9. The proposed extension would create a continual frontage at two-storey level with Nos 83 and 85, with no visual break or distinction between the two dwellings. In my view, this would also result in harm to the character and appearance of the surrounding area.
10. In conclusion on this issue, the proposed extension would have a harmful effect on the character and appearance of the host dwelling and the area. Thus, it would be contrary to Policies 15, 30 and 31 of the CS and paragraph 4.4.6 of the SPD which collectively require development to be of a high quality and to respect and/or complement the form, setting, period, architectural characteristics and detailing.

Proposed self-contained annex

11. The application and appeal forms make it clear that what is being applied for is a residential extension and garage conversion, with the new living accommodation proposed to be used as an annex for the current occupant's elderly relatives. The Council's refusal reason 2 refers to several policies within the Core Strategy, including Policies 3, 32 and 33 which I consider are more applicable to proposals for new residential dwellings rather than ancillary accommodation in the form of an annex. Whilst I understand the Council's concerns that the annex could be occupied independently of the host dwelling, this is not what is before me. In any event, the separation occupation of the annex would require planning permission.
12. However, no information has been provided to justify the provision of two bedrooms within the annex or whether the occupant(s) would live as part of the household in the main house. Furthermore, no information is before me to confirm to what extent other facilities within the host property, such as parking, garden, services/utilities etc would be shared by the occupants of the annex.
13. The proposed annex would not be accessed internally from the main dwelling and would not be integrated with it in this respect. The creation of a separate entrance on the front elevation of the annex would further emphasise its lack of integration with the main dwelling and would result in the extension having the appearance of a separate dwelling. Due to its limited frontage width and its spacing with other dwellings in the street, the proposed annex would be harmful to the street scene and would appear at odds with the spacing, character and appearance of most other dwellings in the area. Furthermore, the proposal would also be contrary to paragraph 4.4.6 of the SPD which advises that side extensions should be accessed from the main property and normally should not have an additional front door.
14. The appellant has referred to similarities between the appeal proposal and a planning permission for an extension forming an annex at 113 Chudleigh Road. Whilst the first floor side extension is of a different design to that of the appeal proposal, I acknowledge that the approved annex lacked integration with the host dwelling and also benefitted from entrance doors on the front elevation albeit of a different design to the appeal scheme. However, I have not been provided with any details regarding the circumstances under which this annex was approved and, in any event, I am required to determine the appeal on its own merits, based on the information before me.
15. Based on the information before me, I do not consider that the use of the extension as a self-contained annex would be appropriate having regard to its siting, design and relationship with the host dwelling. It would also be contrary to the SPD insofar as the extension would not be accessed from the main dwelling and would have an additional front door.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR