



Appeal Decision

Site visit made on 4 January 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date 25th January 2022

Appeal Ref: APP/C5690/W/21/3277484

18 Kemble Road, Forest Hill, London SE23 2DJ

- 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 Ms Nicky Spanton against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/120379, dated 10 February 2021, was refused by notice dated 7 April 2021.
 - The development proposed is the construction of dormer extensions to the side and rear roof slopes and a rear extension together with alterations to the rear elevation.
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Decision

1. The appeal is dismissed insofar as it relates to the dormer extensions to the side and rear roof slopes. The appeal is allowed insofar as it relates to a rear extension at first floor level together with alterations to the rear elevation, and planning permission is granted for a rear extension together with alterations to the rear elevation at 18 Kemble Road, Forest Hill, London SE23 2DJ in accordance with the terms of the application, Ref DC/21/120379, dated 10 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) With the exception of the dormer extensions to the side and rear roof slopes for which planning permission is not granted, the development hereby permitted, namely the rear extension together with alterations to the rear elevation, shall be carried out in accordance with the following approved plans: 1280-EX-05; 1280-EX-06; 1280-EX-07; 1280-EX-10; 1280-EX-11 Rev A; 1280-PL-10; 1280-PL-11; 1280-PL-12; 1280-PL-13.
 - 3) The materials to be used in the construction of the extension hereby permitted shall match those used in the existing building.
 - 4) No door or window openings are to be created in the side elevation of the approved first floor extension.

Procedural Matters

2. The description of development I have used in the banner heading above is adapted from that used on the decision notice and Part E of the appeal form. I have used it in preference to that on the original planning application form which included additional wording about the property which was not descriptive of the proposal.

3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. The parts of the Framework most relevant to the Council's reason for refusal, and therefore this appeal, have not been significantly amended. As a result I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.
4. For the reasons that follow, I find the proposed rear extension to be acceptable, and it is clearly severable both physically and functionally from the dormer extensions. Therefore, I intend to issue a split decision in this case and grant planning permission for the extension.

Main Issues

5. The main issues are:

- The effect of the proposed extensions on the character and appearance of the area; and
- The effect of the proposed rear extension on living conditions for occupiers of the neighbouring property at 20 Kemble Road, with particular regard to loss of outlook and whether it would create an unacceptable sense of enclosure.

Reasons

6. The appeal property is part of a two-storey, semi-detached building. It is brick built with a hipped roof. To the rear there is a three-storey outrigger, with an additional projecting extension at ground level only. No 18 Kemble Road was originally a single house which at some point in the past has been divided into two flats. The upper flat, with living accommodation on the first and second floors, is now known as No 18 Kemble Road, and it is this unit to which the appeal relates. The lower flat, which does not fall within the scope of the appeal proposal, is known as No 18A Kemble Road.
7. There are two distinct elements to the proposed development. Firstly, dormer extensions are proposed, on the side roof pitch to provide increased headroom and daylight in a loft room, and at the rear to provide increased headroom above the staircase to the loft. Secondly, the appellant wishes to erect a rear extension at first-floor level to provide an enlarged kitchen. As part of the rear extension works a window serving the bedroom at second-floor level of the outrigger would also be enlarged and a Juliet balcony added.

Character and appearance

The proposed roof extensions

8. The side roof dormer would be between two existing chimney stacks and approximately 3.65m behind the front elevation. It would be set around 0.3m down from the roof ridge and 0.5m up from the eaves, and would measure around 3.4m deep, 1.5m wide and 2.1m high. It would have a pitched roof, windows to its front- and rear-facing elevations, with hung tiles on the side facing No 16.

9. The Council's 2019 Alterations and Extensions Supplementary Planning Document ("the SPD") advises that side dormers will generally only be acceptable where they are necessary to accommodate a staircase or to provide small windows to non-primary accommodation. The proposed side dormer in this case would not accommodate a staircase and, although it would provide additional light, as the loft room is already served by a rooflight on the front roof pitch I do not consider in this case that the proposal falls within the SPD's definition of "necessary".
10. The SPD also advises that side roof extensions should be sited well clear of the roof edges, back from the eaves and down from the ridge line. Although the side dormer would comply with this guidance, because of the height it would extend up the roof slope it would in my view nevertheless be a prominent and intrusive addition to the appeal property. Because of its size, siting and design it would unbalance the semi-detached pair and diminish the sense of spaciousness which the hipped roofs create between the building and No 16 to the north.
11. The appellant drew my attention to two other roof extensions nearby, at Nos 2 and 4 Kemble Road, which I was able to view from the street at the time of my site visit. No 2 has had a hip-to-gable roof conversion, which I understand from the appellant's evidence to have been constructed as permitted development. To my mind, when seen from Kemble Road the alterations at No 2 appeared as a bulky and top-heavy development which had overwhelmed the original building below and unbalanced the semi-detached pair of which they were a part. Permitted development rights of the type used at No 2 do not apply to flats, and given the harm I consider that development has done to the character and appearance of the host building and the area I do not consider that it lends weight in support of this proposal.
12. Although I have not been provided with detailed measurements for the side dormer at No 4, it is suggested by the appellant that it is larger than that proposed for the appeal property. I do not know the circumstances in which the extension at No 4 came into being, but based on what I saw from the street I consider that it has compromised the character of its host building and, by occupying a large part of the side roof pitch, has diminished the spaciousness of the streetscene. While it is considerably less bulky and intrusive than the development carried out at No 2, it serves to illustrate the type of harm which the guidance in the SPD seeks to avoid. Neither of these other cases to which I was directed serves as a particularly positive example of the type of development which the appellant wishes to carry out, and neither in my view adds weight in favour of the proposed side dormer in this case.
13. The Council did not raise any objections to the proposed rear dormer, considering it to be modest in scale, sited below the roof ridge and well back from both the eaves and the rear gable end. None of the evidence before me leads me to a different view on this aspect of the scheme. However, this does not outweigh the other harm which I have found would be caused by roof extensions.

The proposed rear first-floor extension

14. The first-floor extension at the rear would be built above an existing ground floor room beyond the outrigger, which is part of the lower flat 18A. It would be built to the same footprint as the ground floor room below, and so would

extend for about 3m beyond the end wall of the outrigger. It would rise to a maximum height of around 5.1m, and would have a flat roof. It would be built of brick to match the existing dwelling, with timber-framed windows.

15. The Council considered that the proposed extension would, due to its height, depth and design, fail to respect or complement the form, setting or character of the host building. However the siting of the extension above the existing rear extension would make it a relatively discreet addition to the property, while because it would be considerably lower in height than the rear outrigger it would be a subservient feature which would not dominate or overwhelm the host building. The materials, and fenestration would also match the existing.
16. Although I was not able to see all the properties on Kemble Road, I have no reason to dispute the Council's assertion that No 14 (to which both main parties drew my attention, although both mistakenly referred to it as No 12) has the only two-storey rear extension in the street. I saw the extension at No 14 and found it not to be excessively large, dominant or visually overbearing. While I accept that some elements of that extension appeared slightly incongruous, to my mind this was principally a result of the proportions of the rear window, which are not in keeping with those of the main building, and the slightly ungainly railings which (I presume) allow its flat roof to be used as a terrace. These are not factors which would apply in this case.
17. Although the existing extension at No 14 is not therefore without its faults, it seemed to me to be part of the variety in the area characteristic of the rear of properties surrounding the appeal site. This variety also included rear outriggers of varying depths, single-storey extensions of both the flat- and pitched-roof type, and assorted rear dormers and other roof additions. All of this could easily be seen from the rear garden of the lower flat No 18A. In this context I do not consider that a modestly-sized first floor extension of appropriate materials, as proposed, would be overbearing, incongruous or otherwise unacceptable.

Findings in respect of character and appearance

18. For the reasons I have set out above, I consider that the proposed dormers would cause unacceptable harm to the character and appearance of the area. I therefore conclude that they would conflict with Policies D1 and D3 of the 2021 London Plan ("the London Plan"), Policy 15 of the 2011 Lewisham Core Strategy ("the Core Strategy"), and with Policy 31 of the 2014 Lewisham Development Management Local Plan ("the DMLP"). Together these policies seek to ensure that development is well-designed and sensitive to local context and character. For the same reason, these elements of the scheme would conflict with the requirements of Paragraph 126 of the Framework.
19. I am satisfied that the proposed rear extension would not be harmful to the character and appearance of the area. In respect of this element of the proposal, there would not therefore be conflict with the development plan policies identified above, nor with the provisions of the Framework which seek to achieve well-designed places.

Living conditions (rear extension only)

20. The attached property to the south, No 20 Kemble Road, is divided into two flats. The proposed first-floor extension would abut an outdoor terrace on the

flat roof of a single-storey rear extension, which I understand provides the only outdoor amenity space for the upper flat at No 20.

21. At present, the roof terrace at No 20 is separated from the appeal property by a brick parapet wall, with a trellis fixed above. The side wall of the proposed rear extension would be built up to the edge of the existing brick wall, and so would stop a little way short of the shared boundary. It would rise to around 1m above the height of the existing parapet wall.
22. The proposed development would introduce a built mass, albeit a relatively modest one, into a space where currently there is none. Because of its siting at first-floor level at the rear of the outrigger it would be a visible, indeed unmissable, feature when seen from the roof terrace at No 20. However, although it would be taller than the existing boundary parapet wall, it would also be set back a little way, and this side of the terrace at No 20 is already screened by the trellis and the planting it supports. The outlook towards the appeal property is therefore already restricted to some extent, and while this would be exacerbated by the proposed development, anyone on the roof terrace would find their principal outlook to the west and the south entirely unchanged. Consequently, there would not be unacceptable enclosing or overbearing effects, and I consider that the proposed development would not be visually dominant or intrusive.
23. The Council's officer report was slightly confused in respect of effects on daylight and sunlight, stating that "the applicant has not shown that there would be no detrimental impact to this property in terms of overshadowing". However, the proposed extension at No 18 is more or less due north of the terrace at No 20, and I am satisfied that there would be no significant loss of daylight or sunlight to the terrace. The terrace at No 20 is accessed by a set of glazed double doors, but these are at the far side of the terrace from the appeal property, and given the orientation of the two properties I am also satisfied that there would be no significantly harmful loss of daylight or sunlight for the internal living rooms at No 20.
24. The occupier of the upper flat at No 20 expressed concern that the Juliet balcony proposed for the rear second floor window would result in increased direct overlooking of the terrace. However, I consider that the proposed rear extension would obstruct views of the neighbouring terrace which are currently possible from the appeal property, and so would be likely to increase rather than decrease privacy. The issue of a potential loss of privacy arising from the installation of a window on the side of the first floor extension nearest to No 20's terrace at some point in the future is a matter which can satisfactorily be addressed by a condition preventing such an alteration.
25. I consider that the proposed rear extension would not cause unacceptable harm to living conditions for the occupiers of No 20 as a result of loss of outlook or the creation of a sense of enclosure. Accordingly, I conclude that the proposal would comply with Policy D3 of the 2021 London Plan, Policy 15 of the Core Strategy, and Policy 31 of the DMLP, which among other things require new development (including extensions) to be well-designed and sensitive to the surrounding area, including by ensuring that it does not result in a significant loss of privacy or amenity for neighbouring occupiers. For the same reason, the proposal complies with the requirements of Paragraph 130 of the

Framework, which seek to promote a high standard of amenity for existing and future users.

Other Matters

26. In response to the original planning application consultation, the occupier of the upper flat at No 20 expressed further concerns including in respect of party wall matters, the positioning and operation of the boiler flue at No 18, and noise transmission between the adjoining flats. However, matters in respect of party walls and the siting and operation of boiler flues are dealt with under other legislation and regulations rather than being something for me to address in this appeal.
27. I note that the appellant's final comments indicated a willingness to install soundproofing to the party walls. However, there is no substantive evidence before me to indicate that the proposed development would in itself lead to unacceptable noise disturbance. While the installation of soundproofing may therefore be a desirable step, in seeking to address an existing problem it would not meet the tests of necessity or relevance to the development permitted. Consequently it would not be appropriate for me to impose a condition requiring such a measure.

Conditions

28. In addition to the standard time limit condition I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the host property and surrounding area I have included a condition requiring materials matching the existing dwelling to be used for the extension. In order to protect privacy for users of the roof terrace at No 20, I have also attached a condition preventing any door or window openings being created on the side elevations of the extension.

Conclusion

29. The appellant has requested, in the event of my being unable to allow the appeal in full, that I consider the acceptability of the two parts in isolation. As I have described in paragraphs 4 and 7 above, there are two elements of the scheme which I consider to be clearly severable.
30. For the reasons given above I conclude that the rear extension and Juliet balcony would be acceptable, and would comply with the requirements of the development plan. However, the proposed roof dormers would be harmful to the character and appearance of the area, and that element of the proposal would therefore conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore allowed insofar as it relates to the rear extension and Juliet balcony, and dismissed insofar as it relates to the roof dormers.

M Cryan

Inspector