



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: 28th January 2022

Appeal Ref: APP/C5690/W/21/3281010
37A Honor Oak Park, Honor Oak SE23 1DZ

- 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 M Johnson against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/120653, dated 1 March 2021, was refused by notice dated 18 June 2021.
 - The development proposed is the extension and subdivision of an existing residential apartment to create two self-contained apartments (1 x 1 bed and 1 x 2 bed).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extension on:
 - The character and appearance of the area; and
 - Living conditions for occupiers of the flats within Nos 37 and 39 Honor Oak Park, with particular regard to outlook and a sense of enclosure.

Reasons

Character and appearance

3. The appeal relates to a self-contained flat, within the three-storey terrace block encompassing Nos 25 to 43 on the south side of Honor Oak Park. The block predominantly has commercial uses on the ground floor and residential units above. The appeal property fits into this general pattern; No 37A has living accommodation on the first and second floors, while No 37 is a separate commercial unit on the ground floor. The block has paired two-storey semi-detached outriggers at the rear which overlook a gated courtyard known as Sienna Place and the connected alleyway running between Lessing Street and Ballina Street. No 37A is accessed via Sienna Place or the rear alleyway and entered through the outrigger, where an internal staircase leads directly to the upper floors. There is also a separate residential unit in the ground floor of the outrigger, again accessed from the rear, although neither it or the commercial unit fall within the scope of the appeal proposal.
4. The appellant wishes to subdivide the existing flat to create two self-contained apartments; a two-bedroom, three-person unit at first-floor level, and a one-

bedroom one-person studio unit at second-floor level. This would be facilitated by erecting an extension above the existing outrigger to provide staircase access to the studio flat on the second floor, as well as various other reconfiguration of the property.

5. The entire block containing the appeal site has a considerable degree of visual unity, although I do not agree with the appellant's argument that this is confined to the front of the building. While the rear of the terrace certainly has a less formal character than the front, the original scale, roof design and rhythm of the outriggers is apparent not just from Sienna Place and the alleyway at the rear, but also from Ballina Street and Lessing Street to either side. The coherent visual appearance of the rear of the block, along with that of the similar block to the west between Ballina Street and Grierson Road, makes a strong positive contribution to the character and appearance of the area. My view on this point reflects that of the Inspector determining an earlier appeal in respect of the same property to which both main parties drew my attention (PINS Ref: APP/C5690/W/19/3221518 – "the 2019 appeal").
6. The proposed second floor extension would project beyond the main rear elevation of the block, spanning the entire width of No 37's half of the rear outrigger. Its roof would be a downwards continuation of the main rear roof pitch. The main parties put forward slightly different measurements for the depth by which the extension would project from the main rear elevation, the appellant stating it to be 2m, while the Council measuring it at 1.8m¹. However, in the context of the proposal this small difference is not significant.
7. On the basis of the submitted drawings and my observations on site it is clear to me that the that, in protruding from the main rear elevation and sitting astride the outrigger, the extension would unbalance the appearance of the rear of the appeal property and No 35 with which the outrigger is shared. This would undermine the visual integrity of the upper rear of the entire terrace, to which the rhythm and regularity of the unaltered outriggers presently makes a strong contribution. It would also detract from the consistent form and eaves height of the rear roof pitch of the block. As a result of these factors, the rear extension would be an incongruous and disruptive addition to the terrace.
8. The appellant drew my attention to a variety of extensions to the rear of other properties nearby. I was able to see some from the appeal property, and my thoughts on them are very similar to those of my colleague in the 2019 appeal decision; a few are reasonably sensitive additions and alterations, others less so, and some cause outright harm to appearance of their host property. However, none of the examples to which I was directed is within the same terrace as the appeal property, or indeed the similar block to its west. The other examples do not justify permitting an extension which would harm the character and appearance of to a terrace where the outriggers are substantially unaltered.
9. I conclude that the proposed rear extension would be harmful to the character and appearance of the area, as I have described above. It would therefore conflict with Policies D1 and D3 of the London Plan 2021, Policy 15 of the 2011 Lewisham Core Strategy ("the Core Strategy"), and with DM Policies 30 and 31

¹ Paragraph 4.4 of the submitted Planning and Design Statement and paragraph 5.4 of the appellant's appeal statement also refer to the extension having a maximum projection of 3.4m, but it is clear from other references to the depth of the extension that this is an error.

of the 2014 Lewisham Development Management Local Plan ("the DMLP"). Together these policies seek to ensure that new development is well-designed and sensitive to local context, and that extensions complement the form, setting and characteristics of their host building. For the same reasons, the proposal fails to comply with the requirements of Paragraph 130 of the Framework.

Living conditions

10. The rear extension would be built next to the first- and second-floor windows on the main rear elevation of the property. The existing first-floor window is at around the same height as the eaves of the outrigger, and although the outlook is already constrained by the rear outrigger, I saw that a sense of enclosure is alleviated somewhat by the slope of the outrigger roof. The second-floor window is some way above the roof of the outrigger, and as a result enjoys a reasonably expansive outlook across it towards the rear gardens between Ballina Street and Lessing Street.
11. The first-floor window currently serves the kitchen of No 37A, but the internal reconfigurations proposed as part of the conversion would see that room turned into the second bedroom of the first floor flat. The second-floor window already serves a bedroom, and this would not change. The proposed development would result in the new side wall of the extension being built immediately alongside and perpendicular to both of these windows. As a result, the first-floor room's already limited outlook would be constrained further, while the second-floor room's existing broad outlook would be severely diminished. The proximity of the extension wall and its height would also make it an overbearing feature when seen from either of the two affected rear rooms.
12. I accept that the distance between the side wall of the extension and the first- and second-floor windows on the rear elevation of No 39 next door means that it would be unlikely to have a harmful effect on outlook from the neighbouring property. However, this would not outweigh or negate the harm which I have found in respect of living conditions within the appeal property itself.
13. I conclude that the proposed extension would result in a loss of outlook and an increased sense of enclosure for the rear rooms in No 37A, which would provide unacceptable living conditions for future occupiers of the appeal property. The proposal therefore conflicts with Policy 15 of the Core Strategy, and with DM Policies 30 and 32 of the DMLP, which among other things together seek to ensure that development is provides acceptable living conditions for occupiers, including in respect of outlook. For the same reasons, the proposal would not comply with the requirements of the Framework, notably Paragraph 130 which seeks to ensure a high standard of amenity for existing and future users.

Other Matters

14. Both parties referred to the earlier proposal which was the subject of the 2019 appeal, and the appellant was keen to emphasise that the current scheme had taken the previous Inspector's assessment on board. From the information provided to me it appears that the extension would be considerably reduced in scale compared to the earlier proposal, and indeed this is acknowledged in the "Residential Amenity" section of the Council's officer report. I note also the

appellant's response to comments made by interested parties, which may well (as the appellant suggested) have been rooted, at least in part in a misunderstanding of the appeal process. Nevertheless, I have of course determined this appeal solely on the merits of the current proposal, and based on all the evidence before me have found harm as described above.

15. The Government is seeking to significantly boost the supply of housing. The proposed development would provide an additional housing unit, well-located for access to shops, other services, and transport links. Given the scale of the proposal I consider that this is a benefit which carries very modest weight, and it does not outweigh the harm I have found.

Conclusion

16. The proposed extension would have a detrimental effect on the character and appearance of the area, and the development would not provide future occupiers of the appeal property with acceptable living conditions. The development would therefore conflict with the development plan taken as a whole.
17. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed

M Cryan

Inspector