



Appeal Decision

Site visit made on 14 February 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/A5840/D/21/3279693

58 Lyndhurst Way, Peckham, London SE15 5AP

- 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 Chris Curtis against the decision of the Council of the London Borough of Southwark.
 - The application Ref 21/AP/0687, dated 20 February 2021, was refused by notice dated 17 May 2021.
 - The development proposed is a ground floor extension to rear of existing house, providing a maximum of 20m² new floor area, and extending a maximum of 2.75m from the existing rear wall of the house.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor extension to rear of existing house, providing a maximum of 20m² new floor area, and extending a maximum of 2.75m from the existing rear wall of the house. at 58 Lyndhurst Way, Peckham, London SE15 5AP in accordance with the terms of the application, Ref 21/AP/0687, dated 20 February 2021, subject to the conditions in the schedule below.

Preliminary Matters

2. A new Local Plan was adopted on 23 February 2022, after the appeal was made, and this supersedes the Southwark Plan of 2007. The Council has outlined to me which policies of the new Plan are the most relevant, the appellant has been given an opportunity to comment on them and I address them below.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area, including the significance of Holly Grove Conservation Area.
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and daylight/sunlight.

Reasons

Character and appearance

4. The appeal site comprises a three-storey building, set within a terrace of similar properties, which together form a strong building line along this part of Lyndhurst Way. To the rear of the property lies a large, deep garden with high boundary walls.
5. The rear of the terrace is largely undeveloped insofar as extensions go, however the rear facades are not without alteration, with numerous areas of brick/pointing repair and some roof alterations apparent. Cumulatively, these minor alterations mean that the rear of properties here do not appear entirely 'unaltered'.
6. The proposed single-storey extension would be positioned wholly to the rear of the property, projecting into the garden by a maximum of 2.75 metres. However, the projection adjacent to the boundaries on either side would measure approximately 2 metres with a bay extending to 2.6 metres. The extension would be of a contemporary design, purposefully contrasting with the historic host property. From that perspective, the proposed extension would clearly appear as a later and subservient addition and the proposed contemporary design would be acceptable in this location. The design and scale of the extension is such that the upper floors of the original house could still be appreciated where visible from neighbouring properties.
7. The appeal site falls within Holly Grove Conservation Area. Statute places a duty on me to pay special attention to the desirability of preserving or enhancing the character and appearance of this conservation area (CA). The significance of the CA lies, in part, in its high-density form of development, the proportion of three-storey buildings and high-quality architectural frontages. Within the Conservation Area Appraisal, properties along the west side of Lyndhurst Way are considered to form a strong linear element of the street.
8. Given the nature of the proposed development, positioned entirely to the rear of the property, which is generally out of sight from public vantage points, there would be no change to the character or appearance to the front of the property. Whilst the historic window and door openings to the rear elevation would be lost, these cannot be appreciated from any public vantage point and I disagree with the Council that these contribute to any substantial degree to the significance of the conservation area.
9. As such, I am of the view that the scheme would have a neutral effect on, and would thereby cause no harm to, the significance of the Holly Grove Conservation Area.
10. I conclude that the proposed development would have an acceptable effect on the character and appearance of the surrounding area and would preserve the character and appearance of Holly Grove Conservation Area. The proposal is therefore in accordance with the relevant provisions of policies P13, P14, P20 and P21 of the Southwark Plan (adopted 2022) and Policy HC1 of the London Plan (adopted 2021), which in summary seek to ensure high quality of design in development that preserves or enhances the character and appearance of conservation areas. This is consistent with the aims of the National Planning Policy Framework (2021) in respect of good design and heritage assets.

Living Conditions

11. 60 Lyndhurst Way has no ground floor habitable rooms in close proximity to the boundary whereas 56 Lyndhurst Way does. The limited projection of the proposed development from the rear of the building, measuring 2 metres at the boundary, is such that there would unlikely be any unacceptable detrimental impact on the occupiers of neighbouring properties of an overshadowing or overbearing nature. Outlook from rear facing neighbouring windows would remain down through their own gardens.
12. No windows would exist in the side elevations of the extension and windows to the rear would face into the garden of the appeal site, as existing windows already do. From that perspective, there would be no loss of privacy as a result of the proposed development.
13. Consequently, I conclude that the proposed development would have an acceptable effect on the living conditions of the occupiers of neighbouring properties, in accordance with the relevant provisions of Policy P56 of the Southwark Plan (adopted 2022) and Residential Design Standards SPD (2015), which in summary seek to protect the amenity of the occupants of neighbouring properties.

Conclusion

14. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

15. The Council has provided a list of 5 conditions. I have assessed those with reference to the advice in the National Planning Policy Framework and Planning Practice Guidance, and consider in that context that only 3 need to be applied. I have amended the wording of some, and combined provisions of others without altering their fundamental aims. Numerical references to conditions are to those appended to this decision as opposed to the Council's numbering.
16. I have imposed conditions on time limits and requiring compliance with the relevant plans in the interests of certainty. A condition requiring the submission of details of the external surfaces of the development prior to the commencement of works is imposed in the interests of protecting the character and appearance of the area. It is necessary for this to be required prior to commencement as this could affect the detailed design of the extension.
17. A condition suggested by the Council requesting details match the existing building has not been included as this is covered by another condition.
18. A further condition suggested by the Council to ensure that the roof of the extension hereby permitted is used only in emergencies has not been included as this is unnecessary. This is premised on hypothetical eventualities that the roof would be used as a sitting out area or similar. Such a use is not shown within the submitted and approved plans and is unlikely given the sloping roof.

A Price

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LW/P/101; and LW/P/102.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.