



Appeal Decision

Site visit made on 7th April 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 22nd April 2022

Appeal Ref: APP/E5330/D/21/3289230

44 Mayday Gardens, Kidbrooke SE3 8NN

- 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 and Mrs Vinnicombe against the decision of Royal Borough of Greenwich.
 - The application Ref.21/3009/HD, dated 10 August 2021, was refused by notice dated 6 October 2021.
 - The development proposed is single storey rear and side extensions.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear and side extensions at 44 Mayday Gardens, Kidbrooke SE3 8NN, in accordance with the terms of the application, Ref.21/3009/HD, dated 10 August 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) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Prefix 1184-PP-, 1.00 (Location Plan), 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.21, 1.22, 1.23, 1.24, 1.25, 1.26, 1.27 and 1.28.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the main dwelling.
 - 4) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development giving rise to any door providing access to the roof of the development hereby permitted shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

3. The appeal site is a semi-detached two storey dwelling in a predominantly residential suburban area. It is located on a road of similarly-designed dwellings some of which have been extended. Its semi-pair is no.42 Mayday Gardens to its east and no.46 is to its west. It shares a timber Mock Tudor gable to the front with its semi-pair and has large bow windows at ground and first floor levels. There is an existing ground floor lean-to extension to the side of the house and the appeal property echoes many others in the street through its simple lean-to porch and through the fact that the original form of the semi-detached design can still be appreciated. No.42 has a conservatory at the rear which is close to the common boundary with the appeal site.
4. The proposal is to demolish the existing full depth side extension and front porch and to construct a single storey side extension and partial front extension with new front door, and a single storey rear extension, wrapping around at both front and rear.
5. The Council's Residential Extensions, Basements and Conversions Supplementary Planning Document (2018) indicates that a side extension should normally be set back from the front elevation in order to allow the original house to remain prominent. Guidance also indicates that front extensions and porches should be minor and should not alter the overall appearance of the house or dominate the character of the street, and that roof design should match the original house and front porches should not project further out than a bay or bow window.
6. In this case, the proposal would project forward of the front elevation of the dwelling and its ground floor bow window by a relatively small distance. Notwithstanding that, the distinctive bow window would remain visually separate and not be viewed as part of the front/side extension. The latter would have a small single-pitched roof facing the road extending over the new front door and new ground floor window facing the road. There would be a clear gap between the cill of the first floor windows and the ridge of the pitched roof over the front of the side/front extension resulting in a visual separation of the proposal from the original house. In short, the distinctiveness of the bow windows and the form of the original house would not be lost. The design of the extension facing the road would be simple and unadorned which reflects the general character of properties in Mayday Gardens.
7. There would be a flat roof on the majority of the proposed development but this would be generally screened from the streetscene by the small pitched roof over the part of the side/front extension facing the road. For that reason my view is that the flat roof design would not in this case harm the appearance of the host dwelling or the wider area. Whilst the proposal would be deep, the effect of that depth would be absorbed by being a flank wall and not being overly high.
8. I conclude that the proposal would not harm the character or appearance of the host dwelling or the wider area and would not be contrary to policy D3 of the London Plan 2021 or policies DH1 and DH(a) of the Royal Greenwich Local Plan Core Strategy Detailed Policies (adopted 2014).

Conditions

9. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. The Council suggested some conditions in the event that the appeal was successful. A condition which ties the built development to the approved plans is necessary in the interests of certainty. In order to protect the character and appearance of the host dwelling and its surroundings a condition requiring the extension to match the existing materials of the dwelling is necessary. Given that the proposed development would create a large flat roof (albeit with rooflights within it), the exceptional circumstances exist to impose a condition which prevents a window being converted to an external door or a new door being inserted so as to create access to the flat roof and the flat roof being used for amenity purposes. This is to protect the living conditions of occupants of surrounding dwellings losing privacy.

Conclusion

10. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas Q.C.

INSPECTOR