



Appeal Decision

Site visit made on 5 April 2022 by M Long

Decision by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/A5840/D/21/3289334

29 Bushey Hill Road, London SE5 8QF

- 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 Neil and Christabel Daugherty against the decision of The London Borough of Southwark.
 - The application Ref 21/AP/2803 dated 5 August 2021, was refused by notice dated 30 September 2021.
 - The development proposed is the construction of an L-shaped loft conversion to the main roof and outrigger and roof lights to front elevation and windows to rear.
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Decision

1. The appeal is allowed and planning permission is granted for an L-shaped loft conversion to the main roof and outrigger and roof lights to front elevation and windows to rear at 29 Bushey Hill Road, London SE5 8QF, in accordance with the terms of the application Ref: 21/AP/2803, dated 5 August 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1050-EX-100 (Site Location Plan), 1050-PR-101A (Proposed Site Plan), 1050-PR-102A (Proposed Ground and Loft Floor Plans), 1050-PR-103A (Proposed Roof Plan), 1050-PR-201A (Proposed Front and Rear Elevations), 1050-PR-202A (Proposed South Elevation), 1050-PR-203A (Proposed North Elevation) and 1050-PR-301A (Proposed Section).
 - 3) The accommodation provided by the loft conversion above the outrigger shall not be occupied until the windows in the south facing elevation have been fitted with obscure glazing and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed, the obscure glazing and restricted means of opening shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Since the Council issued a decision on the application for the proposal, The Southwark Plan 2019-2036 has been adopted. The Council has provided the new relevant policies

and the appellant was given an opportunity to comment. Accordingly, this appeal has primarily been determined in relation to Policy P56 'Protection of amenity' as set out within the recently adopted Plan.

4. The original description of development was amended by the Council when the application was registered. It appears no objections were raised, and the changes were included in the appeal form and appeal statement. I have included the amended description in the interests of clarity.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 27 Bushey Hill Road, with regard to whether it would harm the outlook to the rear facing second floor window.

Reasons for the Recommendation

6. The appeal property is situated on the eastern side of Bushey Hill Road and has a two-storey rear outrigger, incorporating both a mono-pitched roof and stepped down flat-roofed element, as well as a small single storey extension. The attached neighbouring property to the north, No 27, has a broadly similar design with a two storey outrigger feature. This property is understood to be divided into two flats; it has a small rear dormer at loft level located close to the shared boundary with the appeal dwelling. No 25, to its other side, also has an outrigger feature that is set back from the shared boundary with No 27.
7. The proposal is a 'L-shaped' dormer at roof level which would cover most of the main roof slope and extend to nearly the full-depth of the two-storey part of the outrigger. The proposal would incorporate three rooflights on the front slope, opaque glazed windows on the south facing elevation of the outrigger extension and rear-facing Juliet windows. The plans indicate that the extension would provide three additional bedrooms, a bathroom and study area.
8. A Certificate of Lawfulness has been granted for a rear dormer extension and the addition of three rooflights to the front roof slope, a scheme which the appellants have stated they intend to implement should this appeal be dismissed¹. The proposal would be modestly higher, and the outrigger extension would project approximately 3.4 metres further than the consented scheme. While the two schemes would have different fenestration details, the three rooflights on the front slope would be included in both.
9. An attempt was made to visit the neighbouring property to view the appeal site from the dormer window at roof level, however access was not granted. As such, it cannot be certain what room the window serves. Nevertheless, the level of outlook available to this rear window would not be unduly affected by the greater depth or modestly increased height of the proposal, when compared to the extant approved scheme. The proposed additional depth would be a considerable distance from the window and have a minimal effect upon its outlook which would not result in harm to the neighbouring living conditions, regardless of whether the window serves primary accommodation. Moreover, the proposal would not result in a tunnelling effect from this window, due to the lower height and substantial set back of the outrigger at No 25.

¹ LBS Registration No. 21/AP/3559, dated 7 December 2021.

10. For the above reasons, the proposed development would not result in harm to the living conditions of the occupiers at No 27 Bushey Hill Road, with regard to the level of outlook available from the second floor rear dormer window. As such, it would accord with Policy P56 of The Southwark Plan 2019-2036, adopted February 2022, which seeks to prevent development that results in an unacceptable loss of outlook to existing homes.

Other Matters

11. In the 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document (SPD), it is recommended that double bedrooms have a minimum floor area of 12sqm, however bedrooms 1, 2 and 3 would have floor areas of 9.9sqm, 10.8sqm and 11.8sqm respectively. While an important consideration, the SPD indicates this target is recommended rather than required. The proposed bedrooms are not unreasonably small and the submitted drawings from the extant approved scheme indicate that bedrooms of a similar size, or smaller, could be built.
12. The SPD also states bedrooms should not be served only by rooflights and should have vertical windows for outlook, however this does not appear to be required in all cases. Policy 15 of The Southwark Plan 2019-2036 mentions rooflights may provide acceptable levels of natural daylight in loft spaces. Furthermore, Bedroom 1 in the extant approved scheme is only served by rooflights, which is not unreasonable in a loft conversion. Therefore, the quality of accommodation provided would not make the appeal scheme unacceptable.

Conditions

13. In addition to the standard time period for commencement of the development, I recommend a condition requiring the development to accord with the approved plans as this provides certainty.
14. There is sufficient detail in the approved plans regarding the use of materials and so a separate condition to control their use is considered unnecessary. However, I recommend a condition to fit the windows in the south facing elevation with obscure glazing and restricted opening prior to the accommodation being occupied, and retained thereafter, to protect the privacy of the neighbouring property.

Conclusion and Recommendation

15. The proposed development would accord with the development plan, when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

A McCormack

INSPECTOR