



Appeal Decision

Site visit made on 4 August 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/C5690/W/22/3293138

7A Shell Road, London, SE13 7TW

- 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 Daniel Churchill against the decision of London Borough of Lewisham.
 - The application Ref DC/21/123660, dated 14 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is a single storey rear extension of a ground floor flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of 5 and 9 Shell Road, with particular reference to outlook.

Reasons

3. The appeal property is a three storey mid-terrace building which has been converted into self-contained flats. The surrounding area is residential and nearby properties are a mixture of single family dwellings and buildings which have also been converted into flats. A number of properties on this stretch of Shell Road, including the appeal property, have single storey rear projections, although these are not generally full width or constructed up to both shared boundaries.
4. The submitted drawing shows the rear extension to be 3.938 metres deep. As the extension would be built right to the shared boundaries with both neighbouring properties, its depth has the potential to impact the outlook of occupiers of both neighbouring properties. Similarly, I have concerns with the height of the extension which would exceed 2.5m on the boundaries with both neighbouring properties.
5. Given the street's incline the extension's impact would be greater on the occupiers of No 5 which has a lower ground level than the appeal property. No 5 has a rear ground floor window immediately adjacent to the shared boundary, and two side facing windows serving a habitable room. Views from within this room would look directly onto the extension's side elevation with minimal separation distance. Consequently, only a narrow gap would be left with the extension's high wall which would have an unacceptable impact on the occupier's outlook.

6. Whilst there is not a noticeable levels difference between the appeal property and No 9, the neighbouring property does have a ground floor window immediately adjacent to the shared boundary. No 9's occupiers would also experience restricted outlook from the affected window as a result of the extension.
7. The council refer to its Alterations and Extensions Supplementary Planning Document (2019) (SPD). In respect of single storey rear extensions the guideline maximum projection set by the SPD is 3 metres for terraced or semi-detached properties. The submitted drawing shows the rear extension to be would conflict with the SPD guidelines for single storey rear extensions for terrace properties. The SPD also outlines that, where extensions exceed 3 metres in depth, a height above 2.5 metres on the boundary is unlikely to be supported. The extension's height would exceed 2.5 metres on both shared boundaries.
8. The roof of the extension would pitch away from both shared boundaries, and efforts have been made to reduce the height of the extension by setting it down and introducing internal steps. However, the combined depth, height and proximity of the proposed rear extension to the neighbouring properties' habitable windows mean that the proposed development would have an adverse impact on the living conditions of neighbouring occupiers in terms of a sense of enclosure and thus a loss of outlook.
9. The appellant argues that the existing foliage on the boundary with No 9 has the same impact as the extension would. However, a permanent brick wall with a uniform height, as proposed as part of the appeal proposal, would have a more significant visual impact than the existing foliage.
10. I have had regard to other single storey rear projections which exist within the terrace. However, based on the available evidence, the majority appear to have a different scale to the appeal proposal and are therefore not directly comparable. In any event, their existence does not indicate that the proposed development is acceptable
11. For the above reasons, I conclude that the proposed extension would harm the living conditions of the occupiers of 5 and 9 Shell Road, with particular reference to outlook. I therefore find that it would conflict with Policy 15 of the Core Strategy (2011) and Policy 31 of the Development Management Local Plan (2014). Amongst other aspects, these seek to protect the living conditions of occupiers of neighbouring adjoining properties from unreasonable visual intrusion.

Other Matters

12. I recognise that the neighbours have not raised any objections and it has been put to me that the current occupiers of No 5 have agreed to the proposed development. However, each appeal must be determined on its own planning merits and I am mindful that the development and the associated harm would also be likely to remain long after the current occupiers might reside in No 5.
13. The appellant has raised concerns that preventing the current proposal from being constructed would prevent neighbouring occupiers from utilising the required Party Wall Agreement for their own future extensions. It has been put to me that were the appeal site located within another London borough, the

original application would have been successful. Be that as it may, these matters do not outweigh the harm I have identified.

Conclusion

14. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR