



Appeal Decision

Site visit made on 28 September 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Appeal Ref: APP/C5690/W/22/3296022

23 Campshill Road, Hither Green, London SE13 6QU

- 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 Ms Ying Ye against the decision of the Council for the London Borough of Lewisham.
 - The application Ref DC/21/124516, dated 25 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is side extension to create two storey 2 bedroom self contained house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 21A Campshill Road, with particular regard to outlook.

Reasons

3. The neighbouring dwelling at 21A Campshill Road is on a higher land level to the appeal site. The two plots are in a side-by-side arrangement though the host dwelling is set significantly further back from the footpath. The rear elevation of No 21A is therefore approximately in line with the front elevation of the host dwelling. However, this stepped relationship is softened by the considerable gap between the two dwellings provided by the existing side garden area of the appeal site.
4. A narrow pedestrian walkway separates the dwelling at No 21A from the shared boundary with the appeal site. No 21A features a single large window in the ground floor rear elevation closest to the shared boundary, with two narrower first floor windows above. A small, raised patio area sits beyond the ground floor window, enclosed by a low wall. From this patio, steps lead down to an elongated rear garden.
5. The Council has identified the appeal site as an 'infill site' for the purposes of the Small Sites Design Guide Supplementary Planning Document (Small Sites SPD), adopted October 2021. The Small Sites SPD also advises however that the Lewisham Local Plan Alterations and Extensions Supplementary Planning Document (Alterations and Extensions SPD), adopted April 2019, should be referred to by everyone working with existing buildings. Both documents are therefore relevant.

6. It is noted the appeal proposal and site context differ somewhat from the types of development described in either SPD given the unconventional arrangement between the host dwelling and No 21A. However, it is reasonable to apply guidance for similar types of extensions where the effect on the living conditions of occupiers of the neighbouring property would be similar.
7. The Small Sites SPD advises that for street extension infill, applications will need to demonstrate how the design of side elevations are not overbearing when experienced from the rear gardens of neighbouring properties. The Extensions and Alterations SPD advises that extensions beyond a rear elevation should not have an overbearing or enclosing effect on adjacent properties by way of their height, position or depth. It also advises that infill or wraparound extensions that are too long and too high can result in an increased sense of enclosure for neighbouring occupiers.
8. The appeal proposal would fill in the existing gap between No 21A and the host dwelling, abutting the shared boundary, with overhanging eaves. The blank two storey gable of the proposal would extend a considerable distance beyond the rear elevation of No 21A. The proximity of the proposal combined with its considerable height and depth along the shared boundary beyond the rear elevation of No 21A would appear oppressive, create an increased sense of enclosure and have an overbearing effect on the outlook from the rear facing windows, rear patio and rear garden area of this neighbouring property.
9. While there is a difference in levels between the two dwellings, the proposal would still be of considerable height and depth along the shared boundary, and this would do little to soften the impact on the outlook from the neighbouring garden, which is on a similar level to the appeal site. In my judgement, the difference in levels is therefore insufficient to mitigate the identified harm. I have also taken into account that the owner of No 21A has stated that they do not object to the appeal proposal, that the first-floor windows of No 21A would have a view above the eaves across the hipped roof, and that a first-floor rear extension has previously been approved at the appeal site. However, these factors do not lead me to a different conclusion.
10. For the reasons above, I conclude that the proposal would harm the living conditions of the occupiers of 21A Campshill Road, with particular regard to outlook. The proposal is therefore contrary to Policy 15 of the Lewisham Local Development Framework Core Strategy Development Plan Document, Adopted June 2011, and DM Policy 32 of the Lewisham Local Development Framework Development Management Local Plan, Adopted 26 November 2014. These policies, amongst other things, seek to ensure all development is sensitive to local context and new residential development provides a satisfactory level of outlook for its neighbours. The proposal also conflicts with Policy D3 of The London Plan, adopted March 2021, which seeks to ensure development proposals deliver appropriate outlook.
11. In addition, the proposal conflicts with the Small Sites SPD and Alterations and Extensions SPD, which advise against development that is unduly overbearing or has an enclosing effect, as detailed above. It is also contrary to paragraph 130 of the National Planning Policy Framework (the Framework), in respect of its aim of ensuring a high standard of amenity for existing users.

Other Matters

12. The proposal would provide an additional unit of residential accommodation, and this would positively contribute to the local housing supply. Given the scale and context of the development, this would however be a modest benefit.
13. I recognise the proposal may exceed minimum space standards, is designed to be sympathetic to the appearance of neighbouring buildings and would incorporate various sustainability features to mitigate its environmental impact. The proposal may also be compliant with various other provisions of the development plan and Framework. However, these factors, and the absence of harm or development plan conflict with respect to other matters, do not outweigh the harm I have identified or the conflict with the above development plan policies and the Framework.
14. Reference has been made to various other examples in the local area of similar approved or completed development, including at 21, 24, 32 and 34 Campshill Road and 3 Romborough Gardens. Although the full details of each of these are not before me, I observed on my site visit that the context of each is materially different to the proposed development and relationship between the appeal site and No 21A. These examples therefore do not weigh in favour of the proposal or provide justification for the identified harm. Ultimately, each proposal must also be considered on its own merits.
15. The appellant indicates the large host property would inevitably be otherwise used as a house in multiple occupation (HMO), however there is no evidence before me to indicate this is a realistic fallback position. Given the harm I have identified and the conflict with the development plan, the appeal proposal also cannot reasonably be described as making best use of land.

Conclusion

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

Ryan Cowley

INSPECTOR