



Appeal Decision

Site visit made on 19 October 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/N5660/D/22/3303213

14 Porden Road, London SW2 5RT

- 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 Vinod Katri against the decision of London Borough of Lambeth.
 - The application Ref: 22/01106/FUL dated 25 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is the erection of a single storey ground floor rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a single storey ground floor rear extension at 14 Porden Road, London SW2 5RT, in accordance with the terms of the application, Ref 2022/1106/FUL, dated 25 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with plans: 14 PR-L-000, 14 PR-L-001, 14 PR-L-01, 14 PR-L-02, 14 PR-L-03, 14 PR-L-04, 14 PR-L-05, 14 PR-L-06, 14 PR-L-07 and 14 PR-L-08.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effects of the proposal on i) the character and appearance of the host property and the surrounding area; and ii) the living conditions of the occupiers of the neighbouring properties, in terms of loss of light and overbearing impact.

Reasons

Character and Appearance

3. 14 Porden Road is a mid-terrace two storey property which backs on to a Tesco car park. A high wall extends along this rear boundary and the garden is enclosed to the sides by timber fencing. The ground floor of the property is not visible from the public realm and as per the existing single storey extension

only the projection above the boundary fencing would be visible from a small number of neighbouring properties.

4. The flat roofed form of the extension would be slightly reduced in height from the existing. The increased depth would reduce the garden size, however a small but useable space would be retained. I saw on my site visit that many of the properties in the terrace have been extended and as referenced by the parties, this includes single storey extensions over 5m in depth to Nos.10 and 8.
5. Against this backdrop, I do not find that the scale or height of the proposed single storey rear extension would appear significantly out of place and would maintain a subservience to the host property.
6. Consequently, I conclude that the proposed rear extension would not have a harmful effect on the character and appearance of the host property or the surrounding area. It would be consistent with Lambeth Local Plan 2020-2035 policies Q5, Q8 and Q11 which amongst other things promotes design quality which responds to the built form and local distinctiveness. It would also reflect the guidance within the Council's Supplementary planning document (SPD) – Building Alterations & Extensions which seeks subordination for extensions.

Living Conditions

7. As part of a row of relatively modest terraced properties there is an inherent level of enclosure. Both the adjoining properties have rear projections which abut the existing extension to No.14. The greatest difference in depth is to No.16 which with the proposed extension would be approximately 5m.
8. The Council indicate that the proposal breaches the BRE 45-degree tests, however I have not been directed to any measurements or guidance to indicate how this has been assessed. Given the proximity of No.16's ground floor window to the boundary and the existing extension, in my view, the additional depth would not significantly alter the level of light to the window. To that end the application plans¹ include a shaded area over the window which is based on a 45-degree line taken from the height of the extension. This illustrates the area is below the window's centre point and is a slightly reduced area compared to the existing situation. No.16 is located to the south of the appeal property and therefore the siting of the extension would not directly impact on the amount of sunlight reaching that property.
9. I acknowledge that with the increased depth there would be some reduction in visual spaciousness in views from the neighbouring properties. However, given the single storey form which, would not be significantly taller than the boundary fencing, I do not consider that the proposal would be overly oppressive to have a severe detrimental impact on the outlook from No.16.
10. Thus, I find that the proposal would comply with Lambeth Local Plan policy Q2 which amongst other things protects against unacceptable impacts on the levels of daylight and sunlight, and undue sense of enclosure.

¹ Existing and proposed Rear Elevation 14 PR-PL05

Other Matters

11. A concern has been raised by a third party regarding the alignment of the extension to the boundary. The Party Wall Act is a separate matter, and the procedures and requirements are independent to the planning process.

Conclusion and Conditions

12. I therefore conclude that the appeal should be allowed, subject to conditions to ensure compliance with the statutory requirements relating to the commencement of development and the plans in order to provide certainty. I have also imposed a condition requiring the materials of the approved development to match the existing property in the interests of the character and appearance of the area.

G Ellis

INSPECTOR