



Appeal Decision

Site visit made on 31 October 2022 by T Bennett BA(Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/C5690/D/22/3302976

5 Finland Road, London, SE4 2JE

- 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 Edward Petrie against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/22/126075, dated 23 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is the construction of a single storey infill extension to the rear of 5 Finland Road, SE4 2JE
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey infill extension to the rear at 5 Finland Road, London, SE4 2JE in accordance with the terms of the application, Ref DC/22/126075, dated 23 March 2022, and the plans submitted with it, 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: 1 Site Location Plan, 6 Proposed Ground Floor Plan, 7 Proposed Roof Plan, 8 Proposed Rear Elevation and 9 Proposed Side Elevation.
 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.

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.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers at 3 Finland Road (No 3) with particular regard to light, outlook and enclosure.

Reasons for the Recommendation

4. The appeal site is a two-storey mid terraced house in a residential area with properties similar in character to the appeal property. To the rear there is a two-storey outrigger with the side elevation of this sited away but facing the shared boundary and outrigger at No 3.
5. The flank elevations of the host dwelling and No 3 are separated by a tall wooden fence and narrow passageways. The two-storey outrigger at No 3 includes three side windows which have an outlook towards the boundary fence and flank elevation at No 5. I observed that one of these windows was obscurely glazed. There is also a ground floor window on the main rear elevation at No 3 providing an outlook down the passageway towards the rear garden.
6. The proposed single storey infill would occupy the gap between the side elevation of the outrigger and the shared boundary with No 3, with an overall length the same as the existing outrigger. The eaves would have a height of approximately 2.7 metres along the shared boundary, 0.2 metres higher than an extant planning permission¹ at the appeal property for a very similar proposal. I accept that this would not comply with the 2.5 metre limit set out in the Council's Supplementary Planning Document for Alterations and Extensions (2019) (SPD). However, I am mindful that this is guidance only and it is necessary to take account of site-specific circumstances.
7. Whilst the extension would be visible from the windows within No 3, given the height of the existing boundary and the narrow gap between the dwellings, a sense of enclosure already exists and the outlook and light received by these ground floor windows is already limited.
8. The impact on the two windows closest to the rear elevation at No 3 would also be minimised by the inclusion of a small courtyard lightwell immediately to the rear of the appeal property which would mean that there would be no change to the boundary height for approximately the first 0.6 metres.
9. Furthermore, with the inclusion of the courtyard and mono pitched roof, sloping away from the shared boundary, 45-degree and 25-degree lines taken from the respective windows at No 3 would accord with the guidelines set out in the SPD, such that adequate levels of daylight would be maintained.
10. Accordingly, taking all the above into account, whilst the proposal would not fully comply with guidance within the SPD it would not be unduly imposing or overbearing on the occupiers of No 3 to an extent that it would give rise to an unacceptable sense of enclosure or loss of outlook. Moreover, although marginally higher than the previously approved scheme, adequate levels of light would be maintained.
11. For the above reasons, I consider that the proposal would not have a harmful effect on the living conditions of residents of No 3 Finland Road with particular regard to light, outlook and enclosure. The proposal would therefore comply with Policy 15 of the Core Strategy (2011), Policy DM31 of the Local Plan (2014) and the SPD which, amongst other matters, broadly requires new development to protect the amenity of neighbouring occupiers.

¹ Application Reference: DC/21/123788

Conditions

12. In addition to the standard time limit, I deem it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition requiring the external materials to match the existing dwelling is also necessary.

Recommendation

13. For the reasons given above and subject to the conditions above, I recommend that the appeal should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal subject to the conditions set out above.

Chris Preston

INSPECTOR