



Appeal Decision

Site visit made on 20 December 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/N5660/D/22/3302926

57 Lamberhurst Road, Lambeth, London SE27 0SD

- 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 Clarence Winter against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/01323/FUL, dated 9 April 2022, was refused by notice dated 22 June 2022.
 - The development proposed is construction of a single storey rear extension to the existing 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 59 Lamberhurst Road, with particular regard to light.

Reasons

3. The appeal property and adjoining dwelling at No 59 are a pair of semi-detached houses with rear elevations that are approximately north facing. Both dwellings also feature rear gardens on their northern side. Adjacent to the shared boundary with the appeal site, the rear elevation of No 59 features a set of patio doors with windows either side, serving a living / dining room area. The only other opening in the ground floor rear elevation is a glazed kitchen door and window on the opposite side. The rear doors open out onto a small, raised decking area, with steps leading down to the rest of the rear garden, which sits on a lower level than both dwellings.
4. The shared boundary adjacent to these patio doors features a low brick wall with timber fencing and vegetation above. This provides screening but does not extend the full height of the patio doors. The rest of the boundary comprises a modest timber fence supplemented by further vegetation. Given the orientation of No 59 however, its rear elevation, raised decking and immediate garden receive limited direct sunlight.
5. As indicated in the Council's Officer Report, no supporting information was submitted with the planning application to demonstrate the effect of the proposal on light levels to neighbouring properties and none has been received in relation to this appeal. I must therefore assess the relevant matters on the merits of the case as I see them.

6. The plans before me show that the proposal would extend a considerable distance immediately along the shared boundary from the rear wall of No 57. It would feature a flat roof with a parapet wall to either side that would project above the existing boundary treatments and extend significantly higher than No 59's patio doors.
7. Due to the proposal's size and proximity, I find that it would restrict daylight to the rear patio doors and windows at No 59 and further erode the already limited direct sunlight to these and the immediate rear garden area. This would be exacerbated by the difference in ground levels, which would amplify the height of the extension relative to No 59's garden.
8. Furthermore, it is common ground between the parties that the height and projection of the proposed extension would infringe upon a 45-degree line drawn from the centre of No 59's patio doors. The Council highlight that this would fail assessment against Building Research Establishment (BRE) guidance.
9. The appellant has indicated that the height of the parapet wall will be amended to ensure the 45-degree line is not infringed. The appeal process should not be used to evolve a scheme however, and it is important that what is considered at appeal is essentially what was considered by the Council, and on which interested people's views were sought. It appears neither the Council nor third parties have had an opportunity to comment on this proposed amendment. Additionally, there is no formal amended version of the plan before me and so I cannot be sure what form such an amendment would take. It would therefore not be appropriate to consider this at this stage.
10. I recognise that if No 59 were extended to the rear in a similar manner the appeal proposal may no longer infringe on the 45-degree line. However, there is no evidence to indicate that this neighbour has any intention to extend their property. I must determine the appeal based on the current conditions of the site and the evidence before me. Consequently, I do not consider that the prospect of a similar extension at No 59 outweighs the identified harm. Furthermore, while the occupants of No 59 have not raised any formal objections to the proposed extension, this does not in itself weigh in favour of the proposal or lead me to a different conclusion on the main issue.
11. I therefore conclude that the proposal would harm the living conditions of the occupiers of 59 Lamberhurst Road, with particular regard to light. It would therefore be contrary to Policy Q2 of the Lambeth Local Plan 2020-2035 adopted September 2021. This policy seeks to, amongst other things, ensure development does not have an unacceptable impact on levels of daylight and sunlight on adjoining properties, including their gardens or outdoor spaces.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR