



Appeal Decision

Site visit made on 14 March 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023

Appeal Ref: APP/E5330/D/23/3316801

44 Hargood Road, Kidbrooke, Greenwich SE3 8PS

- 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 Joanne Carroll against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 22/2659/HD, dated 8 August 2022, was refused by notice dated 2 December 2022.
 - The development is a single storey rear extension to provide new dining area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to an application for planning permission for development that has been implemented, therefore the application is retrospective, and I have determined the scheme accordingly.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring residential occupiers.

Reasons

4. The appeal dwelling is a two storey terraced house with an earlier existing dormer roof extension. It forms part of a planned estate predominantly made up of similar two storey properties. However, the planned layout of the estate also allows for a pair of small single storey dwellings on corner plots, where the terraces on adjacent streets meet. The appeal dwelling is adjoined to one of these single storey dwellings at 42 Hargood Road.
5. The implemented brick built single storey flat roofed rear extension is approximately 4 Metres wide, and 3.85 Metres deep and 3.1 Metres tall. It centres on the rear elevation of the appeal dwelling and has a pair of glazed French doors in its rear elevation. There are no other openings in the flank elevations of the implemented rear extension.
6. The implemented rear extension appears to sit approximately 1 metre away from the party wall line between the appeal dwelling and neighbouring

- properties. However, the complex angled arrangement of rear garden spaces for the 6 properties at the corner of Hargood Road and Dursley Road, results in this separating gap between the implemented extension and the boundary with No.42 narrowing substantially towards the rear of the extension.
7. The complex garden arrangement and layout results in the single storey dwelling at No.42 having a very small and angled rear garden that narrows substantially to its rear. Whilst No.42 has a larger front garden, approximately the same size as No.44, the rear garden presents a more private amenity space away from the street.
 8. The depth of the rear extension results in it extending to almost the full length of the rear garden at No.42. Along with the proximity of the flank wall and the height of the rear extension, this results in it having a dominating presence and sense of enclosure that is oppressive, when considered in relation to the limited size of the garden at No. 42 and outlook from the single rear window of this neighbouring property.
 9. Although the appellant has stated that a timber boundary fence between these two properties would be reinstated, it was not in situ when I visited the site. Given the height and depth of the extension I do not find that this timber fence would substantively screen the proposal or have a similar effect to it in terms of visual dominance or sense of enclosure.
 10. Whilst it would appear that the rear window of No.42 is a second window to the living space of this small dwelling, I do not find that it is a secondary window. Rather, as well as providing outlook, it plays an important role in allowing sunlight and daylight into the interior of this small single storey dwelling.
 11. The rear of No.42 faces towards the west, which results in the rear extension blocking much of the direct sunlight to the rear window and the majority of the rear garden for much of the day. Due to its height and proximity the rear extension also has the effect of cutting out a substantial amount of daylight to the rear window of No.42. This is substantiated by the sun-path information provided by the appellant and evident from my late morning site visit. The loss of sunlight and daylight would also be exacerbated in full winter when the sun is lower.
 12. Overall, the single storey rear extension results in a substantial loss of outlook, and unacceptable overshadowing and loss of light to the rear garden and ground floor room of No.42. The appellant has, however, drawn my attention to permitted development that may be possible with reference to the provisions of the GPDO¹ and has shown that the single storey rear extension is 0.1 Metres taller and 0.85 Metres deeper than an extension that that possible as permitted development. I acknowledge that this would constitute a realistic fallback position for the appellant.
 13. However, as an extension possible under the terms of the GPDO would not be as tall or as deep as the implemented rear extension, it would have less of a detrimental effect on outlook and loss of light. Which, given the small scale of the dwelling and rear garden at No. 42, would make a material difference when compared to the effect of the implemented rear extension that I have identified.

¹ The Town and Country Planning (General Permitted Development etc.) (England) Order 2015 (as amended)

14. I find, for the reasons given, that the single storey rear extension results in significant harm to the living conditions of the existing and future occupiers of No.42. The implemented rear extension does not, therefore, accord with the guidance given in Royal Borough of Greenwich Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (2018) and is contrary to policy DH(b) of the of Royal Greenwich Local Plan: Core Strategy (2014), policies D3 and D6 of the London Plan (2021) and paragraphs 130 and 134 of the National Planning Policy Framework (2021). These collectively seek to ensure that development, including extensions, provide for appropriate outlook and sufficient daylight to surrounding housing and do not undermine the quality of life of neighbouring residential occupiers.

Conclusion

15. The appeal is dismissed.

Victor Callister

INSPECTOR