



Appeal Decision

Site visit made on 22 May 2023

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

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref: APP/A5840/D/23/3318003

40 Kelvington Road, Southwark, London SE15 3EH

- 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 Mrs Kim Shannon against the decision of the London Borough of Southwark Council.
 - The application Ref 22/AP/4120, dated 4 December 2022, was refused by notice dated 21 February 2023.
 - The development proposed is the part demolition of existing single storey side extension and erection of two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the description of development varies between submitted documents, I have used the description from the Council's decision notice, as this is accurate and concise and has been used by the appellant for their appeal statement.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring residential occupiers at 42 Kelvington Road (No.42).

Reasons

4. The appeal dwelling is a two storey semi-detached house with a hipped roof and an existing flat roofed single storey side extension. This existing extension is the same depth as the original house and reaches almost to the boundary of the appeal dwelling at No.42.
5. The appeal dwelling sits with its semi-detached pair at the end of a run of similar semi-detached houses with uniform shallow palisaded front gardens. However, No.42, the property neighbouring the appeal dwelling, is a two storey end of terrace house at the end of a short terrace with a significantly deeper front garden. This results in a staggered building line at this point in

the street and means that the front elevation of the appeal dwelling is set significantly forward of that of No.42.

6. The proposal is to add a first floor above the substantially retained existing side extension. This would sit above the existing extension but would be set slightly back from its front elevation and that of the main house. The roof of the proposed extension would have a hipped roof matching the angles of the existing but, due to the slight front set back of the proposal, would have a step down from the front roof slope and roof ridge.
7. The flank wall of the existing side extension would have matching brick infill added between the existing brick piers. The proposed first floor extension above would be in brick to also match existing, to the same width as the infilled ground floor extension.
8. The proposal is similar to an earlier proposal¹ for which planning permission was refused for its effect on the character and appearance of the appeal dwelling and the living conditions of neighbouring residential occupiers. This was revised by the appellant to follow guidance given in the Council's 2015 Technical Update to the Residential Design Standards (2011), to allow for a set back from the front elevation and step down of the roof ridge and the retention of an existing chimney stack.
9. Whilst, in design terms, the proposal would read as a subordinate addition to the appeal dwelling in terms of bulk and architectural expression. The staggered building line and set back of No.42 at this point would, however, result in the appeal dwelling presenting a blank two storey brick flank wall along its boundary with No.42.
10. This proposed two storey flank wall would be directly adjacent to the boundary between these two properties. Given the close relationship between the appeal dwelling and No.42, this flank wall with hipped roof above would be highly visible from to the front entrance and a front bedroom window of No.42, as well as its front garden and driveway.
11. I am satisfied that, given the north-easterly orientation of these neighbouring houses, the proposal would not result in any significant loss of daylight or sunlight, to the extent that it would cause harm to the living conditions of the occupiers of No.42. However, despite the ground level of No.42 being slightly higher than that of the appeal dwelling, the height, scale and proximity of the proposal to No.42 would result in it appearing as enclosing and intrusive. This would have a domineering and overbearing effect, which would result in the proposed being experienced by the occupiers of No.42 as an oppressive presence. Thereby causing an unacceptable loss of outlook for its occupiers.
12. For these reasons, the proposed extension would result in substantial harm to the living conditions of the residential occupiers of No.42. In this regard the proposal would not accord with the guidance for the design of extensions given in section 3.4 the Council's 2015 Technical Update to the Residential Design Standards (2011) and would be contrary to policies P56 and P18 of

¹ Planning Ref: 22/AP/3580

the Southwark Plan 2019-2036 (2022) and paragraph 130 and 134 of the National Planning Policy Framework (2021). These collectively seek to ensure that development, including extensions, demonstrate high quality design that provides for appropriate outlook to existing housing, so as to not undermine the quality of life of neighbouring residential occupiers.

Conclusion

13. The appeal is dismissed.

Victor Callister

INSPECTOR