



Appeal Decision

Site visit made on 9 June 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/A5840/D/22/3308753

13 Chadwick Road, London SE15 4RA

- 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 Wrendulph Saint-Hilaire against the decision of London Borough of Southwark.
 - The application Ref 22/AP/0176, dated 24 January 2022, was refused by notice dated 24 August 2022.
 - The development proposed is described as a double storey rear extension measuring 5.1 metres on the ground floor. The first floor is reduced to the approved length granted by planning.
-

Decision

1. The appeal is allowed and planning permission is granted for a double storey rear extension measuring 5.1 metres on the ground floor. The first floor is reduced to the approved length granted by planning at 13 Chadwick Road, London, SE15 4RA in accordance with the terms of the application, Ref 22/AP/0176, dated 24 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plans – Drawing Number P-002; Proposed Elevations – Drawing Number P-004.
 - 3) The external materials used in the extension hereby permitted shall match those used in the existing dwelling and these shall be retained as such at all times.
 - 4) The dwelling shall not be occupied until details to demonstrate how the highest standards of fire safety would be achieved, have been submitted to, and approved in writing by the local planning authority, unless, and to the satisfaction of the local planning authority, it can be demonstrated that there is reasonable justification for an exemption. The approved details shall be implemented prior to occupation of the dwelling and shall thereafter be retained as such at all times.
 - 5) The flat roof of the single storey rear extension hereby permitted shall not be used other than as a means of escape and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out.

Preliminary Matters

2. A part two-storey, part single-storey extension has been constructed at the property. I observed on my site visit that the development that had been constructed was different to the submitted plans. I have determined the appeal on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupants of nearby residential properties with regard to outlook.

Reasons

4. The appeal property is a two-storey double fronted end of terrace dwelling. It is located on the southern side of Chadwick Road. Many of the surrounding properties have two and single storey rear extensions that creates small gaps between the rear and sides of properties before opening out into the rear garden.
5. The development as shown on the submitted plans is part two-storey, part single storey. The two storey element projects approximately 5.1 metres from the rear of the property at ground floor level with the first floor being set back, and the single storey element projects approximately 4 metres from the rear of the property.
6. The evidence sets out that the property has planning permission¹ for a rear part single, part two-storey extension. The single storey element of that permission, as with the appeal proposal, extends 4 metres from the rear of the property. The ground floor element of the two-storey section is however flush with the first-floor element, unlike in the appeal proposal where the ground floor projects further than the first floor. The approved scheme also has a pitched gable roof over the two-storey section, as opposed to a mono-pitch on the appeal proposal.
7. Although I am not bound by the previous planning permission, as an extant consent it has significant weight in the appeal. The whole of the development is before me, however, in light of the extant consent I have given consideration in my decision to the differences between the two schemes.
8. In terms of the single storey side extension, the appeal proposal would project the same distance from the rear of the property, that being 4 metres. The previous consent shows that the extension would be set in from the common boundary by 225 millimetres. There is no such set in on the appeal proposal. Although the appeal proposal would be slightly closer to no. 15 Chadwick Road it would be by a minor amount. Given the overall size, scale and siting of this part of the extension, and having regard to the extant consent, I do not consider it would cause unacceptable harm in terms of outlook.
9. The two-storey section is to the side of the property closest to 11 Chadwick Road. Due to the presence of a large rear extension to that property, I do not consider that there would be harm caused to the living conditions of that property as a result of the proposed development.

¹ Planning Application Ref: 20/AP/2716

10. Due to the size, scale and siting of the ground floor element, despite this being greater in projection than the extant consent, it would not cause harm to the outlook from no. 15 Chadwick Road. Much of the bulk of the first-floor element is consistent with the extant consent, save for the roof arrangement. However, given that the bulk of the roof is of a reasonable separation from no. 15 Chadwick Road, it would not cause harm. In coming to this conclusion, I have paid due regard to the bulk of the extension that would be visible in both the extant consent and the current proposal, both as it relates to the single storey and two storey elements.
11. The proposed development would conflict with the Residential Design Standards Supplementary Planning Document (SPD) (2011 (Updated 2015)) which outlines that rear extensions should not exceed 3 metres in height to prevent a feeling of enclosure and that 3 metres is usually the maximum depth that can be added. This would also apply to the extant consent and despite the conflict, I have found that the circumstances of this case are such that the impact would not be unreasonable.
12. I therefore find that the proposed development would not cause unacceptable levels of harm to the living conditions of the occupants of nearby residential properties with regard to outlook. It would comply with Policies P14, P15 and P56 of the Southwark Plan (2022). These policies outline, amongst other things, that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users, having regard to, amongst other things the outlook of occupiers. It would also comply with the requirement of the National Planning Policy Framework (2021) that development achieve a good standard of amenity.
13. Although the proposed development would conflict with the Residential Design Standards SPD in terms of its height and projection, it would comply with the element of the guidance that outlines that extensions should not unacceptably affect the amenity of neighbouring properties. This includes outlook.

Other Matters

14. I acknowledge that the scheme is different from the previous approval. Whilst such repeated applications may cause understandable frustration to interested parties, particularly if development occurs that is not in accordance with approved plans, this is not however, on its own, a reason to dismiss the appeal.
15. Representation has referred to the effect of the Juliette balcony to the first floor on the privacy of surrounding residents. Although this element does not form part of the extant consent, this matter is not pertinent to the main issue and did not form part of the Council's reason for refusal. The level of overlooking is, however, not considerably greater than that of the previously approved first floor window. The design does not allow for wide ranging views, and I do not consider that this element of the development causes unacceptable harm.
16. Representations have been made in relation to the subdivision of the property to flats. This is not, however, part of the development before me and carries no weight in the appeal.

17. Issues such as allowing consent to access neighbouring property for maintenance are civil matters and would not, in this case, be a reason to dismiss the appeal.
18. There is no evidence to suggest that the development would create any highway safety concerns with regard to on-street parking, as suggested.
19. The appeal property is situated within the Holly Grove Conservation Area (HGCA). I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of a conservation area.
20. The significance of the HGCA is widely experienced, so proposals must be judged according to their effect on it as a whole and must therefore have a moderate degree of prominence. Given that the proposal relates to development to the rear of the property, of which there would be limited visibility from within the street scene or other public areas, it would not be detrimental to the character and appearance of the HGCA and thus preserve its significance. I note that the Council did not refuse planning permission in relation to heritage matters.

Conditions

21. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, this is in the interests of certainty.
22. In the interests of the character and appearance of the area, a condition requiring the use of matching external materials is necessary.
23. In a concurrent appeal² I have been alerted to the matter of fire safety in developments as required by Policy D12 of the London Plan (2021). Although this was not a main issue in this appeal, in the interests of consistency and fire safety I have imposed a condition requiring the submission of details of how the dwelling will achieve the highest standards of fire safety.
24. Also in the interests of consistency, and the living conditions of occupants of surrounding residential properties in relation to privacy, I have imposed a condition restricting the use of the flat roof of the single storey rear extension.

Conclusion

25. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR

² APP/A5840/D/23/3321090