The Planning Inspectorate

Appeal Decision

Site visit made on 11 July 2023

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2023

Appeal Ref: APP/E5330/D/23/3320905
271 Green Lane, Eltham, Greenwich, London SE9 3TB

- 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 Christine Henderson against the decision of The Council of the Royal Borough of Greenwich.
- The application Ref 23/0661/HD, dated 23 February 2023, was refused by notice dated 20 April 2023.
- The development proposed is conversion of the side garage into a habitable space. Demolition of existing conservatory and construction of a single storey rear extension with stepped access to the rear garden, replacement of garage door with window and alterations to front porch (resubmission).

Decision

1. The appeal is allowed and planning permission is granted for conversion of the side garage into a habitable space. Demolition of existing conservatory and construction of a single storey rear extension with stepped access to the rear garden, replacement of garage door with window and alterations to front porch at 271 Green Lane, Eltham, Greenwich, London SE9 3TB in accordance with the terms of the application, Ref 23/0661/HD, dated 23 February 2023, 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 plan: DWG No. GRE271/1 Revision B.

    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.

Procedural Matter

2. In the interest of clarity, I have taken the description of the development from the decision notice which was replicated on the appeal form as this provided a more precise description of the development proposed. However, I have removed the word "resubmission" as this is not an act of development.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupants of 269 and 273 Green Lane with regard to outlook.

Reasons

4. No. 269 is built set back from No. 271 and as a result most of the proposed extension would be screened by the house itself when viewed from the central patio area and the rear ground floor rooms which have a similar floor level to those comparable rooms in No. 271. There is a section of the patio area that leads to the rear door to the garage that separates the two dwellings, but this accounts for a small section of the patio. From this smaller area the full height of the extension would be appreciated and given the differences in ground floor levels, the extension would appear relatively large. However, given that this area only accounts for a small section of the patio, the effect of this enclosure would be limited.

5. The proposed extension and fencing would only extend a short distance into the garden along the shared boundary and as a result it would only enclose a small section to the rear of the house. Furthermore, the gap between the two properties would limit the sense of enclosure. The open outlook over the garden which continues a significant distance beyond the proposed extension and fencing would ensure that the limited enclosure of a short section along one side of the garden would not create a bleak or oppressive outlook for the occupiers.

6. Along the shared boundary between No. 271 and 273 is timber fencing and the view from the conservatory at No. 273 is partly enclosed by this fencing and the neighbouring conservatory. No. 273 has a large and open garden and the outlook from the garden is mostly unenclosed by the neighbouring conservatory, given its limited scale.

7. The proposed extension would introduce a blank brick wall along the shared boundary with No. 273. However, the proposal would not be significantly taller than the existing conservatory and given that it would reduce in height as it extended out from the house, the extension would not harmfully enclose the outlook from the rear of the property. Furthermore, the extension would not be deeper than the existing conservatory and as a result the outlook from the conservatory over the garden would not be enclosed to a greater degree than the existing situation.

8. Whilst the proposed privacy screen along the patio area at No. 271 would appear taller than a typical fence when viewed from the patio area of No. 273, it would only extend a short distance along the shared boundary. This would extend beyond the rear of the conservatory. However, given the limited height and depth of this when viewed from the conservatory, alongside the open outlook over the large garden, the fencing would not harmfully enclose the outlook.

9. Furthermore, the patio area extends across the full width of the garden and the taller boundary fence would only enclose a small section of the patio area on one side. Whilst this would partly enclose the outlook, the size of the garden and the open outlook currently enjoyed from the patio area would ensure that the proposed fencing would not create a harmful sense of enclosure.

10. Therefore, for the reasons given above the proposal would not harm the living conditions of the occupants of 269 or 272 Green Lane. Accordingly, the proposal would accord with Policy DH of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (adopted 2014) as well as the Supplementary

Planning Document: Residential Extensions, Basements and Conversions Guidance (2018). These seek, amongst other matters, to ensure development would not cause unacceptable loss of amenity to adjacent occupiers.

Conditions

11. Further to the statutory commencement condition it is necessary in the interest of certainty for a condition requiring the development to be carried out in accordance with the approved plans. Furthermore, it is necessary in the interests of character and appearance for the materials to be used in the construction of the external surfaces to match those of the existing building.

Conclusion

12. For the reasons given above and having had regard to all matters raised, the proposed development would accord with the development plan as a whole. Therefore, the appeal is allowed.

G Sibley

INSPECTOR