



## Appeal Decision

Site visit made on 13 June 2023

**by K Allen MEng (Hons) MARCH PGCert ARB**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 August 2023**

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**Appeal Ref: APP/N5660/W/22/3308548**

**97 Cambray Road, Lambeth, London SW12 0ER**

- 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 Sam Perry against the decision of the London Borough of Lambeth.
  - The application Ref 22/01697/FUL, dated 12 May 2022, was refused by notice dated 8 August 2022.
  - The development proposed is a single storey rear extension and outbuilding.
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### Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension and outbuilding at 97 Cambray Road, Lambeth, London SW12 0ER in accordance with the terms of the application, Ref 22/01697/FUL, dated 12 May 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: 3390/SLP, 3390/BLP, 3390/P/01, 3390/P/02, 3390/P/03 and 3390/P/04.
  - 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.

### Background and Main Issue

2. The Council has not raised any concerns regarding the proposed single storey rear extension and following my site visit I see no reason to disagree.
3. Having regard to the above, the main issue is whether the design and siting of the proposed outbuilding is acceptable having regard to local plan policies concerning development in gardens.

### Reasons

4. The area is residential and predominantly comprises rows of two-storey terraced properties, some of which have been converted into flats. Access to the rear garden of the appeal site is primarily through the host property, however there is a shared access path at the bottom of the garden. A variety of outbuildings can be seen within the surrounding rear garden environment, several of which are within 1 metre of shared site boundaries.
5. Similar to the rear extension, for which the design is not disputed, the proposed outbuilding would span the full width of the rear garden of the host property. Policy Q14 part F Lambeth Local Plan 2020-2035 (September 2021)

(LLP) is recently adopted and states that domestic curtilage structures should not exceed one storey and should be set back from all boundaries by 1 metre unless site circumstances dictate otherwise. The policy indicates the councils preferred spatial constraints with regards to domestic curtilage structures, however, acknowledges that alternative spatial relationships may be acceptable, subject to specific site conditions.

6. The proposed outbuilding would be single storey in height. It would be constructed using matching brickwork and would replace the existing boundary fencing. The parties agree that the proposal would be in keeping with the character and appearance of the area and would not harm the amenity of the occupiers of neighbouring properties. However, in this case due to the narrow width of the appeal site, I am satisfied that a 1 metre offset would not be possible and if enforced would preclude almost all forms of development.
7. Whilst I understand the Council's concerns regarding maintenance access, I am satisfied that the proposed brick construction would be sufficiently robust, minimising future maintenance requirements and that the remaining boundary fencing would be easily accessible for regular maintenance. Further, maintenance of the proposed outbuilding could take place from the neighbouring gardens at the same time as the maintenance of the rear extension. Maintenance access to the rear elevation would be provided by the shared access path at the rear of the appeal site. Although the Council would prefer maintenance to be possible without the need to access neighbouring properties, this is common practice and would not harmfully affect the living conditions of the neighbouring occupiers.
8. Therefore, I conclude that the proposal would be appropriately designed and sited with regard to local development plan policies. The proposal would accord with Policy Q14 part F of the LLP which sets out preferred spatial constraints for domestic curtilage structures where site circumstances do not dictate alternative limitations. Similarly, the proposal would adhere to the advice given in the Building Alterations & Extensions Supplementary Planning Document (September 2015). Which amongst other things, counsels that garden structures should not harm visual amenity or harm the amenity of neighbouring occupiers.

### **Conditions**

9. I have considered the conditions put forward by the Council against the National Planning Policy Framework (Framework) and the Planning Practice Guidance (PPG). I have imposed the statutory condition required to set the necessary time limit for development. I have attached conditions to ensure design quality and that the proposal assimilates into the area, which require compliance with the approved drawings and the use of matching materials.

### **Conclusion**

10. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

*K Allen*

INSPECTOR