



Appeal Decision

Site visit made on 21 June 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 5 September 2023

Appeal Ref: APP/C5690/W/22/3311870

111 Hither Green Lane, Hither Green, Lewisham, London, SE13 6QF

- 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 Yossi Sternshus against the Council of the London Borough of Lewisham.
 - The application Ref: DC/22/128150, dated 22 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is the erection of an additional storey above an outrigger.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the development on the living conditions of the occupiers of 113 Hither Green Lane, with particular regard to outlook and enclosure.

Reasons

Character and Appearance

3. The appeal site is a two storey, semi-detached dwellinghouse, located in a primarily residential area. The dwellinghouse benefits from a comparatively large garden, due to the inclusion of an access track located to the side of the property.
4. The properties along this side of Hither Green Lane are similar in age and overall design, which predominantly includes semi-detached dwellings that feature projecting rear wings, or outriggers. Several of these properties have been enlarged through the additional of a further storey to the rear outrigger. Nonetheless, typically the rear outriggers on Victorian properties, such as the appeal building, are set at a lower level than the floors of the main part of the house and are accessed from a half landing. As a result, the walls of the outrigger terminate below the level of the rear eaves of the main roof. By comparison, outriggers such as the proposed development where the walls project well above the eaves line of the main roof are not a common feature of Victorian houses.

5. The addition of a further storey to the outrigger would significantly increase the height and bulk of the building. The proposed development would unbalance the proportions of the original building, with particular regard to the loss of symmetry with the neighbouring semi-detached property. As such, it would detract from the original form. Specifically, the proposed development would extend the existing rear outrigger upwards to close to the height of the main roof and in this sense, it would become a more visible presence in views from surrounding properties. There would be some limited screening in some angles from the nearby trees. However, given the high degree of visibility of the roofscape from surrounding properties in the local area, this would not sufficiently address fundamental concerns regarding the failure of the appeal scheme to harmonise with local character. While the visual impact of the appeal site would be marginally mitigated due to the large size of the garden, this would not be sufficient to diminish the visual prominence of the additional storey.
6. The appellant points out that other properties in this specific section of Hither Green Lane have been extended at the back, such that they now feature three storey rear outriggers. It is a point of disagreement between the appellant and the Council as to the lawfulness of these roof extensions (with the exception of 119 Hither Green Lane). Nonetheless, I see nothing before me in this appeal that would give certainty that the other roof extensions were lawfully carried out. Neither party has drawn my attention to any relevant Lawful Development Certificates or planning permissions to address this conflict. As such, I am not aware of the particular circumstances of these developments, and accordingly, they carry limited weight. There is also no evidence before me that other properties intend to establish other 3 storey rear outriggers along this section of Hither Green Lane to 'balance out' the symmetry between existing roof extensions.
7. I also note that a significant period of time has elapsed since the permission for 119 Hither Green Lane was granted, back in 2007. It was subject to a different planning regime, and as such it carries limited weight. Furthermore, as I was able to see this extension during my site visit, it is considered that the appearance and visual effect of this extension are not a form of development that could be used to justify the appeal proposal.
8. In any event, I must consider the appeal scheme on its own merits, and in the context of the current policy regime which requires rear extensions to be compatible with the main building and the wider context. Whilst the appeal site is not located within a conservation area, this does not undermine the requirement for the appeal scheme to respect local character.
9. In conclusion, the appeal scheme would harm the character and appearance of the surrounding area. It would therefore not comply with the requirement for development to be sensitive to the local context and respond to local character, contrary to Core Strategy Policy 15 of the Lewisham Core Strategy Development Plan Document (2011). It would not attain a high standard of design or respect the form of the original building, contrary to Policies 30 and 31 of the Lewisham Development Management Local Plan (2014). It would also not maintain the integrity of the host property, contrary to the Lewisham Alterations and Extensions Supplementary planning document (2019).

Living Conditions – Occupiers of 113 Hither Green Lane

10. The proposed development would alter the height of the roof of the appeal site; however, it would not extend the length of the outrigger or involve the construction of a window facing 113 Hither Green Lane. Accordingly, because it would be located at a higher level, the proposed development would be visible in oblique views from a single first floor window in the rear of 113 Hither Green Lane. However, as there is no additional rearward projection, the increased height would not harmfully restrict outlook from the house or garden. Additionally, as the appeal site is located to the north of 113 Hither Green Lane, the proposed development would have no significant effect on sunlight and daylight to that property.
11. In conclusion, the appeal scheme would not harm the living conditions of the occupiers of 113 Hither Green Lane, with particular regard to outlook and enclosure. It would therefore result in quality design, in compliance with Core Strategy Policy 15 of the Lewisham Core Strategy Development Plan Document (2011). It would also not lead to a significant impact on neighbouring properties, in compliance with the Lewisham Alterations and Extensions Supplementary planning document (2019).
12. The Council also alleges a conflict with Policies 30 and 31 of the Lewisham Development Management Local Plan (2014). However, these policies relate primarily to local character and my attention has not been drawn to any wording in them that relate to this main issue. They have therefore not been determinative in my decision on this issue.

Other Matters

13. I have considered representations regarding the status of the appeal site as an HMO, property damage, narcotic abuse and safety incidents relating to involvement by the police. However, these are matters which do not affect my findings on the main issues.

Conclusion

14. I have found that the appeal scheme conflicts with development plan policy, as the proposed development would cause harm to the character and appearance of the area. As this harm would be enduring it is, to my mind, an important matter. Accordingly, the development would be contrary to the development plan when taken as a whole, notwithstanding that I have not found harm to the living conditions of the occupiers of the neighbouring property. No material considerations have been demonstrated which would outweigh the development plan conflict. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR