



Appeal Decision

Site visit made on 5 March 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2024

Appeal Ref: APP/E5330/D/23/3334036

15 Montcalm Road, Charlton, London SE7 8QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathon Chapman against the decision of Royal Borough of Greenwich.
 - The application Ref is 23/2730/HD.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issues

3. The main issues are the effect of the proposal on the:
 - Living conditions of residents of 13 Montcalm Road with regards to light and outlook; and
 - Character and appearance of the host dwelling and the area.

Reasons

Living Conditions

4. The appeal site consists of 1 of a pair of semi-detached dwellings. The host dwelling currently has a single storey rear extension, and this would be replaced by the appeal proposal which would extend further to the rear.
5. The adjoining neighbouring dwelling of 13 Montcalm Road has a conservatory located to the rear. The flank wall of the existing extension on the appeal site is higher than the conservatory at No 13, but this does not project beyond the rear of the conservatory which mitigates the effect on the neighbouring property to a degree.
6. The appellant contends that the conservatory is not a habitable room. However, based on what I have seen and read the conservatory is actively used by the residents of No 13 and provides light to a habitable room in the dwelling, and therefore the effect on it should be assessed accordingly.

7. The appeal proposal would be lower than the extant extension. However, the proposed extension would project significantly further to the rear than both the existing extension and the neighbouring conservatory. The rear gardens also slope down to the rear, which would increase the apparent height and bulk of the extension.
8. Due to the projection and the difference in height compared to the conservatory and garden of No 13, the proposal would have an unacceptable impact on the amount of light reaching the conservatory and an oppressive effect on the outlook for occupants of the dwelling. The proposal would also have a commensurately unacceptable effect on the levels of light and an overbearing sense of enclosure on the outlook from the external amenity area of No 13 closest to the extension. This would be the case even allowing for the north facing aspect of the rear of the dwellings, as the proposal would exacerbate the overshadowing and loss of light resulting from the host buildings.
9. The garden of No 13 is relatively long, and a large extent of it would not be affected by the proposal. However, this would not be sufficient to mitigate for the harm to the external amenity area closest to the dwelling as well as to the conservatory.
10. I therefore conclude that, due to its scale and location, the proposal would lead to significant harm to the residents of No 13 in respect of outlook and light. The proposal would therefore be contrary to the amenity requirements of Policy DH(b) of the Local Plan¹. The proposal would also be contrary to the guidance of the SPD² with regards to neighbours' light and an unacceptable sense of enclosure.

Character and Appearance

11. The proposed extension would project across the full width of the rear elevation of the host dwelling and would project approximately 6m to the rear.
12. The SPD sets out that a 3.6m projection from the rear is typically considered appropriate. However, projections beyond this can be considered for certain typologies.
13. The appeal proposal would project significantly beyond the distance recommended in the SPD, however this is only guidance and the application of this can be affected by the circumstances of the site. The appeal site includes a detached garage which projects further to the rear than the proposed extension, and this garage would be removed as part of the appeal proposal. There are also a variety of extensions and outbuildings to the rear of dwellings in the vicinity of the appeal site. Although I am mindful of the Council's comments on the lawfulness of some of the extensions and the date of relevant guidance, I saw that there is no clearly defined pattern or rhythm of development to the rear of dwellings in the vicinity.
14. The rear garden of the property is also relatively large, and the proposed extension would not be disproportionate to the extent of the property.

¹ Royal Greenwich Local Plan: Core Strategy with Detailed Policies, 2014

² Urban Design Guide Supplementary Planning Document (Final Pre-Consultation Draft) 2022

15. Within the above context, the appeal proposal would not appear to be unduly incongruous or overdominant in respect of the host dwelling or the area. That would be the case even allowing for the extent of the proposal across the full width of the dwelling and the height of the extension due to the sloping garden. Other than from No 13, the proposal would also not be unduly prominent in views from the public realm or properties in the wider area.
16. I therefore conclude that the proposal would not harm the character and appearance of the host dwelling or the area. The proposal would therefore not be contrary to the design requirements of Policy D3 of the London Plan 2021 or Policies DH1, DH(a) and DH(b) of the Local Plan.
17. The proposal would be contrary to the advice of the SPD with regards to the projection of extensions to the rear. However, given the circumstances of the site this does not represent sufficient reason to withhold planning permission on this main issue.

Other Matters

18. I have had regard to the benefits of the proposal, including the removal of the garage and the provision of living space for occupants of the site. However, these benefits do not outweigh the significant harm I have identified in respect of the living conditions of residents of No 13.

Conclusion

19. Notwithstanding my conclusions in respect of character and appearance, the proposal would lead to significant harm to the living conditions of residents of No 13. The proposal would therefore be contrary to the development plan as a whole in respect of the amenity of adjacent occupiers.
20. For the reasons given above I conclude that the appeal should be dismissed.

David Cross

INSPECTOR