
Appeal Decision

Site visit made on 25 March 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/A5840/D/24/3347654

35 Ablett Street, Southwark, London SE16 3BL

- 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 Stuart Read against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/0482.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed words not related to acts of development from the description of development in the banner above for clarity.
3. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of Nos 33 and 37 Ablett Street (Nos 33 and 37) with regard to outlook; and
 - the effect of the proposed development on the character and appearance of 35 Ablett Street (No 35) and the surrounding area.

Reasons

Living Conditions

5. The appeal dwelling, No 35, is a two storey mid terrace dwellings constructed in approximately the mid 1980's. The dwellings have relatively small gardens. The surrounding area is predominantly residential in character.
6. The appeal scheme would introduce a single storey rear extension with a flat roof with two rooflights. The depth of the appeal scheme would measure approximately five metres whilst the eaves height would be three metres. The height would result

in approximately 1.2 metres of built form above the existing boundary treatments. It would span the majority of the width of the plot leaving minimal gaps to both boundaries.

7. The windows and doors located on the rear elevations of Nos 33 and 37 serve habitable rooms and the rear elevation projections of the neighbouring dwellings are uniform. Consequently, given the proximity of the appeal scheme to the boundaries as well as the proposed height and depth of the development, it would result in a sense of enclosure for the residents of Nos 33 and 37. Additionally, the sense of enclosure would also be present in the neighbouring residents garden due to the prominent depth of the proposed development in relation to the relatively small garden sizes.
8. Given the relatively small dwellings and gardens on Ablett Street it was considered necessary for the Council to retain control over the size and position of extensions amongst other things in the interest of the living conditions of occupiers of the dwellings and area in general. Consequently, the dwellings on Ablett Street do not benefit from permitted development rights for development within the curtilage relevant to the site pursuant to planning permission 85/AP/2012. Both parties agree that No 35 does not benefit from permitted development rights.
9. The Council acknowledge that 13 Ablett Street (No 13) was erroneously granted prior approval for a flat roof, single storey rear extension which measured approximately 4.5 metres in depth and a height of 3 metres. I cannot be certain of the full circumstances which led to the error and consequently the granting of permission for the extension at No 13. Nevertheless, each application is determined on its own merits. The appeal scheme before me is greater in depth by approximately 0.5m and consequently differs to the granted scheme at No 13.
10. Moreover, irrespective of whether the dimensions of the appeal scheme would comply with the parameters set out in Schedule 2, Article 3, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the permitted development rights were removed due to the context of the dwellings on Ablett Road. Consequently, I have identified above the resultant harm to living conditions of neighbouring dwellings that would occur from the appeal scheme due to its scale.
11. The appellant highlights the lack of objections from the occupants of Nos 33 and 37 and that the outlook of these occupants would only relate to their views into the garden of No 35. However, I have identified above that the appeal scheme due to its scale and proximity to the boundary would effect the outlook from habitable rooms. Moreover, it cannot be assumed that the existing occupants of these dwellings would live there in perpetuity and consequently the lack of objections would not result in the appeal scheme being acceptable.
12. Given all of the above, the appeal scheme would result in harm to the living conditions of the occupants of Nos 33 and 37 Ablett Road with regard to outlook. It would therefore conflict with Policy 56 of the Southwark Plan 2019-2036 (the SP) insofar as it seeks, to ensure development does not result in the unacceptable loss of amenity to present or future occupiers.

13. It would also fail to accord with the 2015 Technical Update to the Residential Design Standards 2011 which seeks, amongst other things, to ensure developments do not unacceptably affect the amenity of neighbouring properties.

Character and Appearance

14. The surrounding area is residential with a varied mix of two storey terraced dwellings, larger buildings consisting of approximately four stories as well as single storey development.
15. I have identified above the relatively large scale of the proposed development and consequently, it follows that it would not result in a subservient addition to the host dwelling despite the matching material palette. Whilst I acknowledge that there are examples of flat roof extensions proximate to the appeal scheme, I do not know the full circumstances in which they were built. Nevertheless, these do not justify a development that I consider would cause harm to the character and appearance of No 35.
16. No 35 adjoins No 37, the latter of which is the end terraced dwelling on Albett Street. They are both proximate to Ilderton Road. However, the rear garden of No 35 is adjacent to Ilderton Road and is relatively set back from the public highway. There is significant established vegetation, fencing and built form along the boundary of No 37 on Ilderton Road through to the access for Delaford Road. The opposing side of Ilderton road consists of open storage space, vegetation and a train line.
17. Given the above, No 35 is not overly visible from the public realm. Consequently, the addition of a single storey residential extension would not be an incongruous addition within the street scape given the predominantly residential character and appearance of the immediate context of the surrounding area. However, this would not overcome the harm that I have identified above due to the overly dominant appearance of the appeal scheme in regard to its relationship with the character of No 35.
18. In conclusion, the appeal scheme would result in a disproportionate addition to No 35 and result in harm to its character and appearance. It would therefore conflict with Policy D4 of the London Plan 2021 and Policies P13 and P14 of the SP insofar as they seek to ensure that developments are of a high quality of design and respond positively to their existing character and context.

Other Matters

19. The appellant has indicated concerns regarding the Council's decision due to the lack of site visit undertaken by its Officers. A site visit is not a statutory requirement and is instead good practice.
20. The proposed development would be an effective use of land and improve the existing accommodation at No 35. Whilst the development would improve the carbon effectiveness of the dwelling this would likely be a modest improvement. Additionally, there would be a modest economic benefit for construction jobs. Accordingly, I give the appellant's claimed benefits limited weight.
21. An increase in the value of the property is not a significant material planning consideration in this case.

22. The appellant has highlighted a possible increase in the Council Tax payable should the appeal scheme increase the value of the property. There is limited substantive evidence before me to suggest that the appeal scheme would result in an increase in the Council Tax payable. I therefore attach very limited weight to this claimed benefit.
23. A lack of harm regarding waste, pollution and biodiversity are neutral factors in my determination of this appeal.
24. Taking all of the above into consideration, there are no material considerations of such weight or significance to justify a decision other than in accordance with the development plan.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR