

**PLANNING APPEAL DECISIONS RECEIVED BETWEEN 01/10/2016 AND 31/10/2016**

Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
15/06393/FUL	Refusal - Town Planning	33 Fieldhouse Road London SW12 0HL	Erection of a rear dormer roof extension with a roof light to the front roof slope and insertion of a window to the side elevation. (Flat A).	Delegated Decision	Refuse Permission	07.10.2016	Appeal Dismissed

The Inspector considered the main issue of this appeal to be the effect of the proposal on the character and appearance of the host property, and whether the proposal would preserve or enhance the character or appearance of the Hyde Farm Estate Conservation Area.

On the 1st issue the Inspector noted "the proposed mansard roof would subsume the entirety of the original main rear roof plane. Although the proposal picks up on design elements set out in the SPD, it would nonetheless be a bulky and incongruous addition to the main roof. Notwithstanding the scale of the rear outrigger, the proposal would unbalance the property and make it appear top-heavy. It would not, therefore, be subservient or subordinate in scale to the main building."

On the 2nd issue the Inspector noted "in wider views along the rear of Fieldhouse Road, the scale and bulk of the proposed roof would become clearer still. It would detract from the characterful uniformity and rhythm evident along the rear of this part of Fieldhouse Road established by the relatively simple and consistent roof form and the distinctively large paired rear outriggers."

The inspector concluded that that the proposed mansard roof extension would harm the character and appearance of the host building, and the character and appearance of Fieldhouse Road. The Inspector dismissed the appeal.

15/07284/FUL	Refusal - Town Planning	66 Railton Road London SE24 0LF	Change of Use of basement and ground floor from Offices(Use Class B1) to Dry Cleaners and Launderette (Sui Generis use). (Resubmission)	Delegated Decision	Refuse Permission	12.10.2016	Appeal Allowed
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The main issues are the effect of the proposal on the provision of employment floorspace in the area, and the effect of the proposal on the living conditions of nearby residents, with particular regard to fumes and odours.

The appeal site comprises the ground and basement levels of the property at 66 Railton Road. The last lawful use of the premises is as an office space, falling into Use Class B1. The development would change the use to a dry cleaners and laundrette service, classed as sui generis, which is excluded from

any use class by virtue of Section 3(6)(c) of the Town & Country Planning (Use Classes) Order 1987. Policy ED2 of the Lambeth Local Plan (LP, September 2015) seeks to maintain a stock of sites and premises in business use across the borough. Section (b) of the policy states that the loss of land or floorspace in business, industrial or storage (B class) use, or in employment-generating sui generis use, will not be supported unless clear and robust evidence is submitted which shows there is no demand for the floorspace. The development would create three full-time jobs, and in my view, such a use would fall comfortably within the definition of employment-generating sui generis uses which Policy ED2 seeks to maintain.

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I note from the planning officer's report that an active frontage would be created, with activities visible from outside, and customers coming and going.

I consider that such an increase in vitality at ground floor level would be of significant benefit to the wider area. I have also had regard to the letter of support from the Brixton Society, stating that shopping in the area has been in decline, suggesting that the proposal would provide a useful amenity for local residents, and welcoming the employment opportunities it would generate. All of these factors weigh in favour of the development.

It appears from the information before me that the B1 office use ceased during 2012. The fact that the application for the change of use has been made demonstrates that there is demand to keep the floorspace in employment use, albeit within a different use category. On the first issue, I therefore conclude that there is no conflict with LP Policy ED2.

Living conditions

A ventilation and extraction system is proposed to the rear elevation of the building. The Council has voiced concern with regard to the potential effect of fumes and odours from this system on the occupants of the first floor flat located above the appeal site. Although some schematic diagrams regarding the operation of the extraction system were provided with the application, these appear to be taken from a typical laundrette installation guide, and so do not take into account the specifics of the appeal site. However, I am satisfied that this matter could be dealt with by a suitable condition. Therefore, I find no conflict with LP Policy Q2, insofar as it seeks to avoid disturbance through the operation of service equipment.

For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

16/01254/FUL	Refusal - Town Planning	Land Between 53 To 57 Ively Road London SW4 0EN	Construction of a new 3 storey 2 bedroom dwelling with associated cycle parking, refuse storage, outdoor amenity space and landscaping.	Delegated Decision	Refuse Permission	27.10.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be 1) The effect of the proposal on the character and appearance of the surrounding area; 2) Whether the proposal would provide adequate living conditions for future occupants, with particular regard to outdoor space; 3) The effect of the proposal on the living conditions of neighbours, with particular regard to overlooking; 4) Whether the proposal would provide satisfactory facilities for cycle storage, and 5) The effect of the proposal on local parking conditions.

On the 1st issue the Inspector concluded that the proposal would be an uncharacteristic and incongruous addition which would unacceptably harm the character and appearance of the surrounding area.

On the 2nd issue the Inspector concluded that the proposal would unacceptably fail to provide adequate living conditions for future occupants due to the lack of sufficient good quality outdoor space.

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One the 3rd issue the Inspector noted that the proposal would not be so harmful to the living conditions of the neighbours.

On the 4th issue the Inspector noted the proposal would be to LP Policy Q13, as it requires cycle storage to be directly and conveniently accessed from outside the building.

On the 5th issue The Inspector noted that providing an extra on-street parking space, the proposal would not adversely affect parking pressure in the area, and dismissed the appeal.

15/05554/FUL	Refusal - Town Planning	Garage Rear Of 12 And 12A Thurlow Park Road London SE27	Demolition of existing garage with the erection of a new 2 storey single dwellinghouse.	Delegated Decision	Refuse Permission	27.10.2016	Appeal Dismissed
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The Inspector considered the main issues of the appeal to be 1) whether the proposal would provide adequate living conditions to future occupiers, 2) the effect of the proposal on living conditions of neighbouring properties, 3) the effect of the proposal on the character and appearance of the surrounding area, and 4) the effect of the proposal on local parking conditions.

On the first issue, the Inspector concluded that although outlook to the east would be acceptable, this would be restricted to the south elevation due to the tall boundary wall here, and together with no outlook to the north and west, overall outlook would be unacceptable. The Inspector also commented that the quality of the private amenity space, particularly the rear terrace, would be compromised by the tall boundary wall to the north and west, limiting outlook and creating a highly enclosed space. The Inspector considered that although the quantity of the proposed amenity space complied with Policy H5, its poor quality would unacceptably harm the living conditions if future occupiers.

On the 2nd issue, the Inspector commented that the proposals would curtail outlook to the garden of No. 12 Thurlow Park Road, which is already limited, causing an increased sense of enclosure which would be unacceptably oppressive. In addition, levels of noise disturbance would be significantly increased from the proposed roof terrace, harming the amenity of adjoining occupiers at Nos. 12 and 14.

Although the Inspector disagreed with the Council's view that the proposals would negatively impact on the character and appearance of the wider area, and that impacts on local parking conditions could be mitigated by securing a legal agreement to restrict future occupiers from applying for parking permits, this did not overcome the concerns raised on the first two issues. Therefore, the Inspector dismissed the appeal.

15/04593/FUL	Refusal - Town Planning	106 Crimsworth Road London SW8 4RL	Conversion of a dwelling into two self contained flats, replacement of existing windows with sliding doors at ground floor level on the rear elevation and the provision of refuse and recycling and cycle storage.	Delegated Decision	Refuse Permission	27.10.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be 1) whether the proposal resulted in the loss of a family sized dwelling; 2) whether the ground floor flat would provide satisfactory living accommodation and internal storage; 3) whether the proposed accommodation would provide satisfactory accommodation and allow for wheelchair users; 4) whether the proposal was energy efficient; 5) whether the proposal would result in an unacceptable flood risk to the future occupiers.

On the first issue, the Inspector noted that the house fits the criteria of a family sized dwelling outside of a Streets Under Conversion Stress area and the proposal would not create a suitable family unit. The Inspector considered that the conversion would be unacceptable due to the loss of a family sized dwelling.

On the second issue, the Inspector noted that proposed ground floor flat would fall short of the required internal floor standards resulting in substandard accommodation for future occupiers which was considered to be unacceptable.

On the third issue, the Inspector noted that the proposed ground floor flat would have narrow hallways and the use of the bathroom door would block access through the hallway. As such, the Inspector concluded that the proposal would not be suitable for wheelchair users and as such was unacceptable.

On the fourth issue, the Inspector noted that the issue of energy efficiency could be dealt with through condition and accepted the Council's proposed condition submitted with the Appeal Statement. As such, there was no conflict with Policy 5.2 of the London Plan.

On the fifth issue, the Inspector noted whilst there would be little physical change to the premises from the conversion, the subdivision would result in an intensification of the use. The FRA submitted does not demonstrate that the proposal would not give rise to an unacceptable risk of flooding for future occupiers.

The Inspector went on to dismiss the appeal.

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16/01611/FUL	Conditions - Town Planning	5 Rectory Grove London Lambeth SW4 0DX	Excavation and enlargement of existing basement and the formation of a front lightwell together with alterations to the ground floor rear elevation with the removal of window and installation of sliding doors, and removal of double doors with the installation of a window.	Delegated Decision	Grant Permission	27.10.2016	Appeal Allowed
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The main issue is whether the disputed condition No 6 is necessary and reasonable in respect of the visual amenities of the existing building and the conservation area.

On this issue the Inspector noted that no material harm would arise to the appearance of the existing building from the window and door as proposed, and so the character or appearance of the conservation area would be preserved. The Inspector considered that it was not necessary or reasonable to require the window to be timber, or to provide a vertical division for the door. The inspector therefore replaced the existing condition 6 with one that is limited to the undisputed requirements only, and allowed the appeal subject to conditions.

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15/05319/FUL	Refusal - Town	400 - 402	Change of use to Use Class A3 (restaurant)	Delegated	Refuse Permission	13.10.2016	Appeal
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Council ref.	Appeal type	Address	Proposal	Decision type	Officer recommendation	Decision date	Appeal decision
	Planning	Coldharbour Lane London SW9 8LF	including high level extraction and new shop front.	Decision			Allowed

The Inspector considered the main issue of this appeal to be the effects of the change of use on the living conditions of the neighbouring residents of Connaught Mansions, with regard to odour and visual impact from the high-level extraction system in respect of the use of the communal roof terrace.

The Inspector referred to the previous appeal that was dismissed and noted that in the last appeal, the Inspector's concerns were linked to the DEFRA guidance and to the fact that the system employed to treat the air from the restaurant would be extracted at a low-level, in close proximity to neighbouring flat windows.

In contrast to the previous scheme, which vented at low-level into a lightwell onto which windows of the flats above faced, this proposal vents at 3m above the level of the roof. In addition, the appellant refers to the cowl mechanism on the end of the flue that will propel discharged air a further 3m upwards.

With regards to the visual impact the Inspector noted that flue would not be visible from the street and that whilst the roof terrace is a pleasant area for the residents it is already subject to impacts from chimneys, raised stair cases, fencing, aerials, garden furniture etc, as well as the various roof top features of the surrounding buildings.

The Inspector went on to allow the appeal subject to conditions relating to hours of operation, management and maintenance of the ventilation system, restriction of noise, appearance of the ducting, access to the rear courtyard for maintenance and emergencies, sound proofing and a waste management plan.

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15/07326/FUL	Refusal - Town Planning	139 Crescent Lane London Lambeth SW4 8EA	Change of use of existing ground floor and basement from vacant A4 commercial use to C3 residential use comprising of 2 x 1 bedroom units, alteration to elevations at ground floor level and associated cycle and refuse storage.	Delegated Decision	Refuse Permission	13.10.2016	Appeal Allowed
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The Inspector considered the main issues of the appeal to be 1) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook and provision of outdoor amenity space and 2) the impact of the external alterations on the character and appearance of the host building and surrounding area.

With regard to the 1st issue, the Inspector noted that there was no objection to the proposed change of use in principle. As such, he commented that non-family accommodation would be the most appropriate use given the site's characteristics, with the available floorspace providing for two generously-sized one-bedroom flats, rather than family-sized accommodation. With regards to outlook and daylight, the Inspector was satisfied that the main habitable rooms of both flats would gain adequate daylight and outlook through the combination of rooflights and the double height spaces on both frontages. Although the bedroom to Flat A would not receive any outlook, this would be acceptable on the basis that the primary purpose for this room is for sleeping, and would not give rise to unacceptable living conditions. On the issue of lack of private amenity space, the Inspector considered that this 'drawback' would be adequately compensated by offering internal spaces significantly in excess of the recommendations set out in the Mayor's Housing SPG, and therefore would be of an acceptable quality and outlook overall.

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With regard to the 2nd issue, while the Inspector acknowledged that the design would disrupt the current unity within the upper floor fenestration. However, he considered this to be not uncommon and was satisfied that the drawings indicated that the proposed ground floor would have a relatively uncluttered and contemporary appearance, complementing the host building and bringing back a degree of vitality and animation to the streetscene. The Inspector also considered that the proposed opaque glass wall and planters would not be incongruous, and would not compromise the character and appearance of the wider area.

On this basis, the Inspector allowed the appeal subject to conditions.

15/06670/FUL	Refusal - Town Planning	36 Gleneagle Road London SW16 6AF	Conversion of existing basement into self contained 1 bedroom flat.	Delegated Decision	Refuse Permission	13.10.2016	Appeal Allowed
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On the 1st issue the Inspector noted that the proposed basement flat would be single aspect and would have poor outlook however a technical report demonstrates submitted with the appeal demonstrated that adequate daylight would be provided within. The Inspector noted that there would potential for intermittent overlooking of the side bedroom windows from occupiers above entering the side entrance door. However concluded that it would not result in a material loss of privacy. The Inspector further noted that the front garden area would provide a landscaped area and concluded that the proposed flat would provide acceptable living conditions for future occupiers.

On the 2nd issue the inspector noted that the front garden area is bounded by a tall thick hedge and that the submitted details stated that the proposed front garden boundary treatment details would be approx. 1.7m in height. The Inspector concluded that the proposed front boundary would not harm the character and appearance of the host property subject to a condition to require further details on its design and material.

On the 3rd issue the inspector noted that a Construction and Methodology Statement accompanies the appeal which shows that the works proposed would not affect the structural integrity of the host building or surrounding properties. The Inspector concluded that subject to a condition to ensure that the development would be carried out in accordance with this CMS, the appeal proposal would not have a harmful effect on the local environment.

On the 4th main issue the Inspector noted the guidance set out in the Planning Practice Guidance, the Court of Appeal judgement and the Secretary of States Written Ministerial Statement. The Inspector concluded that the latter outweighs Policies D2 and H2 of the Councils Local Plan and stated that an affordable housing contribution would therefore not be required and allowed the appeal subject to conditions.

16/00481/FUL	Refusal - Town Planning	84 Ferndale Road London Lambeth SW4 7SE	Erection of a single storey rear and side extension to ground floor flat.	Delegated Decision	Refuse Permission	13.10.2016	Appeal Allowed
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The Inspector considered the main issues of the appeal to be whether the proposals would:

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- 1) Preserve or enhance the character or appearance of the Ferndale Road Conservation Area;
- 2) Maintain acceptable living conditions for occupiers of the neighbouring ground floor flat at 86, Ferndale Road, with particular regard to daylight and outlook.

On the first issue the Inspector acknowledged that there is a general presumption against wrap around extensions on heritage assesses (Policy Q11 and SPD). However, the Inspector considered that in this case, many of the properties along this terrace have been extended at the rear, including those either side of this dwelling. The variety of these extensions has meant that there is no longer any uniformity to the rear elevations of this terrace to observe. As such, the Inspector considered that the scheme would preserve the appearance of the upper part of the rear outrigger and the asymmetric roof allows for a clear definition of the original return and side passage, at a pitch that is in keeping with the existing property. The Inspector considered that this low-profile addition would be of a contrasting, more light-weight character, that adequately differentiates it from the main building, and of a scale and form which compliments and preserves the character to the rear part of this property. Given also the limited visual envelope to this proposal, this single storey extension was considered to preserve the character and appearance of the Ferndale Road Conservation Area and comply with LLP Policy Q22.

On the second issue the Inspector noted that the neighbouring ground-floor flat at No 86 has side windows facing this property. However, he considered that due the limited height of the extension (2.5m along the boundary) combined with a light well which would be retained at the back wall of the main part of the building adjacent to the rear facing window at No 86, the proposals would not materially harm the living conditions of occupiers of this adjacent ground-floor flat.

The Inspector went on to allow the appeal subject to conditions.

16/02549/FUL	Refusal - Town Planning	122 Hubert Grove London SW9 9PD	Erection of a ground floor rear extension to provide garage space.	Delegated Decision	Refuse Permission	05.10.2016	Appeal Allowed
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The Inspector considered the main issues of this appeal to be 1) the character and appearance of the host building; 2) the living conditions of occupiers of 122A Hubert Grove, with particular regard to outdoor amenity space; and 3) Highway and pedestrian safety.

On the 1st issue the Inspector noted appeal property is the ground floor flat, with a small courtyard garden enclosed on two sides by the host building and the proposed garage and office building due to its position would not be highly visible and therefore would not over dominate or overwhelm the host building.

On the 2nd issue the Inspector noted the Councils concerns that the proposed extension would fail to retain a sufficient proportion of garden area (70%, as set out in Local Plan Policy Q14). The inspector noted that the proposal would remove an existing yard wall and would improve the existing garden and would not conflict with Policy Q14 in this regard.

On the 3rd issue the Inspector noted the concerns the Council had in relation to sustainable drainage and surface water runoff. However the Inspector considered that the extension would replace a similar area of hardstanding and did not consider a condition necessary due to the size of the building.

On the 4th issue the Inspector noted that there is already a narrow vehicle access to the site and the proposals would not alter the existing situation. The Inspector stated that from

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observations, the lane is of sufficient width to continue to allow a vehicle to manoeuvre into and out of the lane from Hubert Grove, and therefore would not have unacceptable transport impacts or impact upon highway safety and went on to allow the appeal subject to conditions.

16/03409/FUL	Refusal - Town Planning	56 Madeira Road London SW16 2DE	Retrospective Application for the conversion of 2 flats into 4 self-contained flats involving the erection of a rear roof extension at the second floor, with single storey rear extension at ground level, and a front extension at basement level including a lightwell.	Delegated Decision	Refuse Permission	24.10.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be:

- i) whether the proposal would provide satisfactory living conditions for future occupants with regard to living space, outlook and light;
- ii) the effect of the proposal on the character and appearance of the area; and
- iii) the effect of the proposal on highway safety.

He accepted the lawfulness into flats and the loss of the family sized dwellinghouse.

He did not accept the size of the first floor flat and ceiling height of basement flat.

He did not accept the living condition of the basement flat and use of artificial lighting for future occupiers.

He did not accept impact of the roof extension on appearance and character.

He did not accept car parking provision and failing to demonstrate capacity.

He did not accept

Appeal soundly dismissed.

Enforcement proceedings should now commence and they have been made aware of this appeal decision. (Ronan McGinn - POC)

16/02264/FUL	Refusal - Town Planning	Flat C 12 Atherfold Road London SW9 9LW	Loft conversion involving the erection of a rear mansard dormer roof with two front rooflights, the creation of a terrace involving the erection of a glazed balustrade and the replacement of one rear window to the second floor rear elevation (amended description).	Delegated Decision	Refuse Permission	24.10.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be the effect of the proposed development upon the character and appearance of the appeal property and the surrounding

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area.

The Inspector noted that although the proposed 1.7m high obscure glazed screens to the terrace would prevent overlooking into neighbouring properties, it would constitute a substantial addition to the roof and its materials would appear in stark contrast to the traditional brick rear elevations of the terrace row.

The Inspector further noted that the mansard proposed would not comply with the requirements of the Building Alterations and Extensions SPD. The Inspector considered that the lack of public views of the proposed development would be no basis for allowing the appeal given the harm it would cause to the character and appearance of the appeal property and the surrounding area. The Inspector went on to dismiss the appeal.

16/01968/FUL	Refusal - Town Planning	Norfolk House Rushcroft Road London SW2 1JX	Creation of a roof terrace to the rear (south) of the building, to be accessed by a new door opening from the existing kitchen, utilising an existing flat roofed area of approximately 3.5m x 3.5m. (to 5 Norfolk House)	Delegated Decision	Refuse Permission	24.10.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be the impact of the proposed roof terrace on:

- (a) The character and appearance of the appeal property and the surrounding area; and
- (b) The living conditions of occupants of neighbouring residential properties, with particular regard to outlook and privacy.

On the first issue the Inspector agreed with the Council that the appeal proposal would have a harmful effect upon the character and appearance of the appeal property and the surrounding area, and would fail to preserve or enhance the character or appearance of the Brixton Conservation Area. The inspector concluded that the harm to the significance of the Conservation Area identified above would be less than substantial. In line with Paragraph 134 of the Framework states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The inspector did not consider that the provision of external amenity space serving the appeal property would amount to a public benefit sufficient to outweigh the harm that would be caused to the heritage asset.

On the 2nd issue the Inspector noted as a result of its siting, design and close relationship to neighbouring flats and outdoor amenity spaces, the appeal proposal would result in an obtrusive form of development which would give rise to an increased level of actual and perceived overlooking. For the reasons set out above, the appeal proposal would have a harmful effect upon the living conditions of the occupants of neighbouring residential properties with particular regard to outlook and privacy. The Inspector went on to dismiss the appeal.

16/01906/FUL	Refusal - Town Planning	2 Spenser Road London SE24 0NR	Erection of a single storey ground floor rear extension. Small side extension to the existing lean to and installation of a window to the ground floor front elevation.	Delegated Decision	Refuse Permission	24.10.2016	Appeal Allowed
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The Inspector considered the main issue of this appeal to be the effect of the proposed development upon the character and appearance of the appeal property and the surrounding conservation area.

The Inspector considered that the proposed rear extension would be a fairly modest single storey addition to the appeal property. Although the extension would wrap around the south-east corner of the main building, the Inspector considered that the staggered arrangement of the proposed rear elevation would echo that of the main building and side wing. The Inspector noted that the extension would not span the full width of the side wing and the use of a flat roof and low profile roof light would minimise the height and bulk of the proposed development. The Inspector noted overall, due to its siting, scale, and design, the proposed single storey rear extension would not unacceptably dominate or overwhelm the host building and preserve the character and appearance of the conservation area.

16/02039/FUL	Refusal - Town Planning	26 Chapel Road London SE27 0TY	Erection of a two storey rear extension, together with the replacement of a door and window at ground floor rear elevation and door to the front elevation.	Delegated Decision	Refuse Permission	24.10.2016	Appeal Dismissed
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The Inspector considered the main issues of this appeal to be the effect of the proposed development upon the character and appearance of the appeal property and the surrounding area, and the living conditions of the occupants of the adjoining property at 28 Chapel Road with particular regard to outlook and light.

On the first issue the Inspector noted that the proposed extension would be constructed in matching brick and would be set back slightly from the rear elevation of the existing rear addition. However, it would infill the majority of the side return that is characteristic of the appeal property and many of the houses in the surrounding area. The proposed parapet would finish above the existing eaves line, and so would not appear subordinate to the existing house. Furthermore, the proposed flat roof would not reflect the pitched roofs above the main house and the rear addition, and the fairly square proportions of the proposed windows and french doors would be out of keeping with the vertical emphasis of the existing fenestration. In these ways, the proposed rear extension would appear as a disproportionate and incongruous feature.

On the second issue the inspector noted that due to its siting, height and projection, the proposed development would have a dominant and overbearing effect upon outlook from the rear of No 28 and would give rise to a greater sense of enclosure within the back garden of this house. The appeal proposal would be positioned to the west of the adjoining property and its siting and orientation, in combination with the significant height and projection of development along the boundary, would result in a loss of light to the rear of No 28. The Inspector went on to dismiss the appeal.

	Allowed	Dismissed	Mixed
Month total	8	8	0
Financial year to date	39	89	3