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## Appeal Decision

Site visit made on 20 August 2019

**by S Tudhope LLB (Hons) MSc MRTPI**

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

**Decision date: 1 November 2019**

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**Appeal Ref: APP/C5690/W/19/3229813**

**11 Burnt Ash Hill, London SE12 0AA**

- 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 Rajiva Jirasinghe against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/19/111056, dated 18 February 2019, was refused by notice dated 8 May 2019.
  - The development proposed is a single storey ground floor extension and first and second floor rear extension with internal alterations to form, one number one bedroom ground floor flat, two number two bedroom upper floor flats, secure bin and bike store at the rear.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the upper floor flats at No 9 Burnt Ash Hill with particular regard to outlook and daylight.

### Reasons

3. The appeal site is a three storey, mid terrace property, comprising of a retail unit on the ground floor with a one bedroom flat at the rear and a four bedroom flat to the upper floors.
4. The proposed first and second floor rear extension to the host building would project some 2.7 metres beyond the existing rear projection. The extended flank wall would be in close proximity to the first and second floor level rear facing windows of No 9. Whilst there is some disagreement between the parties regarding the type of room these windows serve, given the proximity, height and projection of this element of the proposal, coupled with the orientation of the building relative to the path of the sun, the proposed extension would significantly diminish the amount of daylight reaching next door. Moreover, the increased height of the built form close to No 9 would diminish the outlook from that property and appear overbearing to its occupiers, by virtue of the projection in close proximity to the windows.
5. My attention has been drawn to other comparable developments in the area, notably at Nos 17 and 19 Burnt Ash Hill. Notwithstanding the similarities

presented, I am not fully aware of the particular circumstances of those cases and in any event, I must consider the appeal scheme on its own merits. The existence of other similar extensions in the locality does not justify further unacceptable development or the harm I have found. The neighbours at No 9 have not objected to the scheme, but this does not alter my view that it would be harmful to living conditions at that property.

6. I conclude that the proposal would have a harmful impact on the living conditions of the occupiers of No 9 Burnt Ash Hill with regard to outlook and daylight. The proposal conflicts with Policy 15 of the Lewisham Core Strategy June 2011, Policy 31 of the Lewisham Development Management Local Plan November 2014 and the Lewisham Local Plan Alterations and Extensions Supplementary Planning Document April 2019. Together these policies seek to prevent development from having a demonstrably harmful impact on residential amenity.

### **Other Matters**

7. The appeal site is located adjacent the boundary of Lee Manor Conservation Area (LMCA); development proposals here could affect its setting. The proposed development would be compatible with the host building and the wider terrace in terms of scale, form and materials. The proposed extensions would not appear out of keeping with the building's surroundings. As such, I find that the proposal would have a neutral effect on the setting of the LMCA and therefore its significance would be preserved.

### **Conclusion**

8. I have taken into account the benefits of the creation of an additional dwelling and the improvement of existing accommodation, but these matters do not alter my conclusion that, for the reasons given above, the appeal should be dismissed.

*S Tudhope*  
Inspector