



## Appeal Decision

Site visit made on 7 June 2021 by Ben Phillips BSc MSc MRTPI

**Decision by R C Kirby BA(Hons) DipTP MRTPI**

**An appointed by the Secretary of State**

**Decision date: 25 June 2021**

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**Appeal Ref: APP/C5690/D/21/3268840**

**46 Horncastle Road, London SE12 9LA**

- 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 Nick Smythe against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/20/119335, dated 2 November 2020, was refused by notice dated 7 January 2021.
  - The development proposed is described as a single storey side extension and internal alterations.
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### Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension and internal alterations at 46 Horncastle Road, London SE12 9LA in accordance with the terms of the application, Ref DC/20/119335, dated 2 November 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01A, 03B.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matters

3. Since the Council's refusal of the scheme, a new London Plan has been adopted (March 2021). Both parties were provided with the opportunity to comment on this matter and I have taken the representations received into account in my consideration of this case.

### Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the existing property, terrace and surrounding area.

## **Reasons for Recommendation**

5. The appeal site is an end dwelling of a terrace of three, traditional two storey properties, located in a cul de sac element of Horncastle Road. The small cul de sac is made up of two storey 3 dwelling terraces or detached dwellings of a similar scale and appearance, and despite a number of single storey garages or extensions located to the side of the dwellings, there is a consistent visual gap and rhythm evident between properties.
6. Given the siting of the appeal property at the end of the cul de sac, its frontage is prominent, however, the plot is on an angle and its garden widens and extends significantly to the rear.
7. By virtue of its single storey nature, set back from the frontage and angle of the boundary, the replacement of the existing garage building with a single storey side extension would not close the existing visual gap between the appeal site and No 44 over and above the current situation. The visual impact of the extension from the street scene would therefore not be noticeably greater than the existing garage.
8. At its widest point the extension would be of considerable width, however given that it follows the angle of the boundary and is partly angled in towards the boundary, the width would not be visually obvious even from the rear. It is acknowledged that in combination with the existing limited single storey rear projection, the subsequent increase in footprint would be substantial. However, the extension would not dominate the original building visually or substantially compromise its existing character, nor that of the wider terrace.
9. Therefore, the proposed single storey side extension would respect and would have no detrimental impact on the character and appearance of the existing dwelling, terrace or surrounding area. There is no conflict with Core Strategy (2011) Policy 15 and Policies DM30 and DM31 of the Development Management Local Plan (2014), which, along with the National Planning Policy Framework and the Policies D1 and D4 of the London Plan 2021 collectively require extensions to achieve high quality design and be subservient to the original property. Furthermore, there is no conflict with the aims of the design advice contained within the Supplementary Planning Document Alterations and Extensions (2019), which also requires side extensions to sit comfortably with the original building and respect the proportions of the existing building.

## **Other Matter**

10. The impact of any potential construction upon the structural integrity of neighbouring buildings/properties is covered by separate legislation and is not in this instance a material planning consideration.

## **Conditions**

11. The Council has suggested the imposition of a condition relating to the start date of development, and in addition to requiring compliance with the application plans. I consider these to be necessary in the interest of clarity. In addition, I agree that a condition requiring materials to match the existing original property is also necessary in the interest of the character and appearance of the area.

12. Finally, a condition restricting the use of the flat roof as an amenity area is not considered necessary, as the proposed side elevation drawing does not show space for any possible future access.

**Conclusion**

13. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed with the suggested conditions.

*B Phillips*

APPEAL PLANNING OFFICER

**Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis,, I agree that the appeal should be allowed with the conditions set out above.

*RC Kirby*

INSPECTOR