



Appeal Decision

Site Visit made on 12 October 2021 by Max Webb BA (Hons)

Decision by R C Kirby BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2022

Appeal Ref: APP/C5690/D/21/3275432

2 Southview Road, Bromley BR1 5RD

- 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 David Shobanjo against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/119665, dated 18 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is the construction of a ground floor extension, and hip to gable roof extension, together with the erection of a dormer to the rear roof slope and extending the outhouse to create an enclosed garage to the rear of the site.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a ground floor extension, and hip to gable roof extension, together with the erection of a dormer to the rear roof slope and extending the outhouse to create an enclosed garage to the rear of the site at 2 Southview Road, Bromley BR1 5RD in accordance with the terms of the application, Ref DC/20/119665, dated 18 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 684-100 Revision P1, 684-201 Revision P1, 684-202 Revision P1, 684-203 Revision P1, 684-204 Revision P1, 684-210 Revision P1, 684-211 Revision P1 and 684-220 Revision P1.
 - 3) Insofar as the development hereby permitted relates to the main dwelling, the materials to be used in the construction of the external surfaces shall match those used in the existing building. Insofar as the development hereby permitted relates to the outbuilding, the materials used in the construction of external surfaces shall be in accordance with the following approved plan: 684-201 Revision P1.
 - 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to this as a material consideration however, planning decisions must still be made in accordance with the Development Plan unless material considerations indicate otherwise. The issues most relevant to this appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. Since the determination of this application a new London Plan (2021) has been adopted. New policies have superseded the previous policies, and appeals must be assessed against the current development plan. The emerging plan was taken into account by the Council during the application process, and the appellant has had the opportunity to take this into consideration. I am therefore satisfied that no additional submissions will be necessary and that no party would be prejudiced in this regard.
5. The description of the proposed development in the banner heading has been slightly amended from that contained on the planning application form in the interests of conciseness.

Main Issue

6. The Council has raised no concern in respect of the construction of the ground floor rear extension, hip to gable roof extension, rear dormer or the construction of a garage to the rear of the garden. These elements of the proposal would all be of an appropriate scale, would be constructed from matching or complementary materials and are features that appear on other properties on the street. I therefore also consider they would be acceptable in design terms. The roof extensions and ground floor extension would all be of a suitable size and would be positioned so that they would not harm the living conditions of the neighbouring occupiers. These aspects would therefore comply with the relevant Development Plan policies.
7. The main issue therefore is whether the use of the outbuilding would be appropriate in this location, having regard to the Development Plan.

Reasons for the Recommendation

8. The appeal site is located on a residential street and has a passageway to the side that goes around to the rear of the property, providing access to an existing outbuilding to the rear. The passageway provides access to a number of outbuildings and garages associated with other dwellings on the street and this is a common feature of the area. The proposal would include the conversion of the existing outbuilding into a home office, extending this to provide a new garage.

9. The existing outbuilding is closely related physically and visually to the existing dwelling and would have a pedestrian door into the rear garden, as well as into the new garage. From the information provided, the appellant and their family, including university age children, would use this office space when working from home. Such a use is considered to be ancillary to the residential use of the property. An area to prepare food and bathroom facilities would be a reasonable provision for use by occupiers of the host property throughout the day.
10. Moreover, general use of the home office would not be expected to increase the level of noise in the locality to a level that would be harmful to the living conditions of neighbouring occupiers.
11. As the proposal was submitted as part of a householder application for development within the curtilage of the dwelling, the use of the outbuilding and garage for any other purpose beyond this scope would not be permitted by a planning permission granted by this appeal decision. A future application would be considered on its individual merits.
12. Accordingly, I find that the use of the outbuilding as proposed would not conflict with DMP¹ DM Policy 11 as it would not comprise an independent employment use, nor would there be conflict with DM Policy 33 which seeks, amongst other matters for development in back gardens to protect the character of the area. For the same reason, the outbuilding would conform with the aims of Section 6.9 of the SPD², which says that outbuildings should be ancillary to the host dwelling.
13. The Council's reason for refusal includes various design related policies, including Policy 15 of the Core Strategy³, Policies 30 and 31 of the DMP and Paragraph 130 of the Framework. As the proposal is considered acceptable in terms of design, these policies would also be complied with. The Council also referred to the London Plan as a whole, however has not directed me to particular policies, so I have been unable to assess the proposal against this part of the development plan.

Other Matters

14. Concerns have been raised over whether access to other garages on the rear passageway would be compromised by the proposed garage. The proposed garage would curve with the existing bend and would not protrude into this passageway. It would therefore not prevent access to any of the surrounding garages or restrict movement on the passageway which could cause inconvenience to nearby occupiers.
15. A query regarding the party wall has also been raised, however this is not a matter for consideration within this appeal.

Conditions

16. Conditions regarding the time period for commencement of the development and ensuring the development accords with approved plans have been suggested and are necessary for reasons of certainty. A condition relating to

¹ Lewisham Local Development Framework Development Management Local Plan (2014)

² Lewisham Local Plan Alterations and Extension Supplementary Planning Document (2019)

³ Lewisham Local Development Framework Core Strategy Development Plan Document (2011)

use of materials is also necessary to ensure an appropriate appearance for the development.

17. The Council have requested a condition controlling the use of the flat roofed extension. In order to prevent harm to neighbouring amenity, I have recommended this condition is attached.
18. As outlined above, the proposal was submitted as a householder application and use of the outbuilding beyond that which is ancillary to the host dwelling could be controlled by the Council regardless of the inclusion of a condition. As such, a condition to ensure the development is used solely for purposes ancillary to the domestic use of the main dwelling is not considered necessary.

Conclusion and Recommendation

19. For the reasons given above, I find that the proposal complies with the Development Plan as a whole. I recommend that the appeal should be allowed with the suggested conditions set out above.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation made. The appeal is allowed with the suggested conditions.

RC Kirby

INSPECTOR