



Appeal Decision

Site visit made on 8 June 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2023

Appeal Ref: APP/C5690/W/22/3313360

Lower Flat, 49 Medusa Road, Lewisham, London SE6 4JW

- 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 Mark Osborn against the decision of London Borough of Lewisham.
 - The application Ref DC/22/128961, dated 27 October 2022, was refused by notice dated 15 December 2022.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at the Lower Flat, 49 Medusa Road, Lewisham, London, SE6 4JW in accordance with the terms of the application, Ref DC/22/128961, dated 27 October 2022, 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 plan: As Proposed Plans and Elevations – Drawing Number 201.
 - 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.
 - 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.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 51 Medusa Road with specific regard to outlook.

Reasons

3. The appeal property is a ground floor flat which is part of a two-storey terrace. It is located in a predominantly residential area where several of the surrounding properties have been extended and altered. The property has an existing single storey projection that is centrally located on the rear elevation.

The rear of the properties on the terrace, including the adjoining property at no. 51 Medusa Road, face a southerly direction.

4. The proposed development would project along the common boundary with no. 51 Medusa Road for a distance of 3.6m. It would have a flat roof and would be approximately 3m in height. The upper half of the proposed extension would be visible above the existing boundary treatment.
5. Although the proposed extension would be clearly noticeable above the boundary treatment, given its relatively low overall height and level of projection, there would not be an overly dominant effect or the creation of an unreasonable sense of enclosure for the occupants of no. 51 Medusa Road.
6. Furthermore, the closest habitable room window (forming part of the rear door) is set in from the boundary with the appeal property. This would further reduce the overall impact.
7. I therefore find that the proposed development would not cause unreasonable harm to the living conditions of the occupants of no 51 Medusa Road with regard to outlook. Accordingly, it would comply with Policy 15 of the Lewisham Core Strategy (2011) and Policy 31 of the Lewisham Development Management Local Plan (2014). Collectively, these policies require that there should be no significant loss of amenity to adjoining dwellings as a result of development.
8. The proposed development would also comply with the requirement of the National Planning Policy Framework (the Framework) (2021) that developments create places with a high standard of amenity.
9. There would be minor conflict with the Alterations and Extensions Supplementary Planning Document (SPD) (2019) which outlines that rear extensions should generally not be more than 3m deep for terraced properties but would comply with the SPD in terms of ensuring that any extensions should have regard to outlook and not be overbearing. The conflict with the SPD would not result in unreasonable harm.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.
11. In the interests of living conditions, I have imposed a planning condition requiring that the roof of the extension shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR