

# Appeal Decision

Site visit made on 14 August 2023

**by J N Seymour BA (Hons), MSc, MRTPI**

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

**Decision date: 13<sup>th</sup> November 2023**

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**Appeal Ref: APP/C5690/D/23/3324536**

**36 Harefield Road, Lewisham, London, SE4 1LU**

- 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 Claire Wratten against the decision of the Council of the London Borough of Lewisham.
  - The application Ref: DC/23/130741, dated 9 March 2023, was refused by notice dated 5 May 2023.
  - The development is described as: 'First floor extension over existing rear projection and single storey side return infill'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues of the appeal are:
  - whether the development would preserve or enhance the character or appearance of the Brockley Conservation Area, and
  - the effect the development would have on the living conditions of neighbouring residents.

## Reasons

### *Character or Appearance of the Brockley Conservation Area*

3. The appeal site comprises a three-storey dwelling forming the end of a small terrace of three dwellings that have retained many of their traditional architectural features from the Victorian period. The appeal site therefore positively contributes to the significance of the Brockley Conservation Area (BCA), which is a designated heritage asset.
4. The appeal proposal consists of two rear extensions. The first is a single-storey lean-to extension that would infill an outdoor space between the boundary wall shared with the neighbouring dwelling at 38 Harefield Road and an existing rear outrigger extension. The second extension would be at first-floor level over the single-storey section of the outrigger. It is common ground between the two parties that the single-storey lean-to extension is acceptable from a design perspective, and I have no reason to disagree that it would preserve the character and appearance of the BCA.
5. The original dwelling was constructed over three storeys, with an outrigger extension built as a later addition comprising a two-storey section and a single-

storey section at the end. The outrigger therefore follows a clear hierarchy diminishing in scale the further it extends into the garden which ensures it does not dominate the character of the host building. The proposed first-floor extension to create a full two-storey outrigger of a noticeably greater length than other two-storey outrigger extensions found in the locality would disrupt this well-established and logical hierarchy of structures at the rear of the appeal property.

6. The Alterations and Extensions Supplementary Planning Document (2019) (SPD) does not offer specific guidance on this type of first-floor extension. However, it would create a two-storey outrigger with a total plan depth that is roughly equivalent to the plan depth of the original dwelling. This conflicts with Policy DM31 of the Development Management Local Plan (November 2014) (Local Plan) and the SPD in terms of the first-floor extension cumulatively creating a full two-storey extension that is not proportionate or subservient to the host building. The first-floor extension would unbalance the rear of the terrace to the extent it would negatively affect its architectural integrity as a group, thereby conflicting with Policy DM31.
7. The first-floor extension also conflicts with Policy DM36 which states planning permission should not be granted for alterations to existing buildings that are incompatible with the special characteristics of the area, which is applicable in this case for the reasons provided above. The appellant states that there are other two-storey outrigger extensions of a similar scale and length to the appeal proposal. However, on my site visit, I noticed that these were attached to larger properties where the proportions were not comparable.
8. Taken together, Policies DM30 of the Local Plan, Policies 15 and 16 of the Lewisham Local Development Framework Core Strategy Development Plan Document (2011) (Core Strategy) and Policy HC1 of the London Plan (2021) seek high-quality design that respects local character, preserves or enhances the character and appearance of heritage assets, and will manage incremental change to the historic environment. For the reasons set out above, I consider that the proposed first-floor extension also conflicts with these policies.
9. The Council has stated the appeal proposal causes less than substantial harm to the BCA as a designated heritage asset, with no public benefit to outweigh the harm, referencing paragraph 202 of the National Planning Policy Framework (the Framework). I agree with this assessment as I have concluded the first-floor extension fails to preserve the appearance of the BCA. Any harm to the significance of a designated heritage asset should also require clear and convincing justification, and great weight should be given to the asset's conservation. No public benefits have been submitted by the appellant. Therefore, the appeal proposal conflicts with paragraph 202 of the Framework. Consequently, due to the poor design of the first-floor extension, I also conclude the appeal conflicts with paragraphs 126, 130 and 134 of the Framework which together seek to achieve well-designed places.
10. Concluding on this issue, the appeal proposal would fail to preserve the character and appearance of the BCA as, for the reasons set out above, it conflicts with the requirements of the development taken as a whole and the Framework.

### *Living Conditions*

11. The Council has stated the single-storey infill extension would have an overbearing impact on the neighbouring property at 38 Harefield Road. The Council have cited the SPD which states for extensions that adjoin a common boundary the eaves height should be no higher than 2.5m and in this case, it is 2.78m. Due to the extension's lean-to roof design, which slopes away from the neighbouring property, I do not consider that the eaves height exceeding the height prescribed in the SPD by 0.28m would materially cause an overbearing impact on the neighbouring dwelling in this case. This is because the outlook from the neighbour's rear kitchen door and window and the composition of their rear courtyard space would be largely unchanged, regardless of the positioning of the external staircase highlighted by the Council.
12. The Council has also stated the appeal proposal would restrict daylight and sunlight into the neighbour's ground floor kitchen, which has a half-fenestrated door and a casement window. The Council did not request a sunlight/daylight assessment to corroborate their position. Conversely, the appellant has argued that the extension complies with the 45-degree test, which is advocated in the SPD for assessing light restriction. I agree with this assessment based on the evidence before me and what I observed on my site visit. With the Council not offering any evidence to the contrary, I am satisfied that the single-storey extension would not cause unacceptable levels of light restriction.
13. Policy DM31 states that extensions should result in no significant loss of privacy and amenity, including sunlight and daylight. Policy DM32 states main habitable rooms should receive direct sunlight and daylight. Policy 15 of the Core Strategy states that small household extensions should protect neighbour amenity. For the reasons set out above, I consider the appeal proposal to comply with all three of these policies as the living conditions of those occupying the neighbouring dwelling would not be materially harmed. The appeal proposal also satisfies paragraph 130 f) of the Framework which promotes high standards of amenity for existing and future residents.

### **Conclusion**

14. Although I have not found harm to the living conditions of neighbours, I conclude that the appeal proposal would conflict with the development plan as a whole, with no material considerations that outweigh the conflict. Therefore, the appeal is dismissed.

*J N Seymour*

INSPECTOR