



Appeal Decision

Site visit made on 22 July 2024

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 16 August 2024

Appeal Ref: APP/C5690/Y/23/3316810

Flat 1, 26 Westwood Hill, London SE26 6QR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ms Tatiana Withanage against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/22/12858, dated 2 September 2022, was refused by notice dated 1 January 2023.
 - The works proposed are retrospective Listed Building Consent for the extension to an existing fence.
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Decision: No Further Action Taken

1. As scheduled, I visited the appeal property on Monday 22 July 2024. The appellant was not at home at the time but, on my way to/from the entrance door on the side of the property, I took the opportunity to inspect the extension to the fence subject to this appeal.
2. I noted that no part of the extension to the fence is in physical contact with the listed building. Neither is the close-boarded fence to which the extension is attached in physical contact with the listed building.
3. Having regard to section 7(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there was nothing before me to indicate that the proposal includes any works for the demolition, alteration or extension of the Grade II listed building known as 26 Westwood Hill SE26 and/or any structures identified as being curtilage listed. My initial view was therefore that the extension to the fence did not require Listed Building Consent.
4. The parties were given the opportunity to comment on whether the proposal requires listed building consent. The Council did not respond. The appellant responded stating that she was informed (I assume by the Council) that the only way to regularise the extension to the fence was through a retrospective Listed Building application. She explains that the local planning authority were adamant that, even though the extension to the fence is not attached to the building, it is within the curtilage of the building specified in the list description.
5. The existing fence is not itself attached to the listed building and does not appear to be of an age (constructed before 1 July 1948) that would cause it to be curtilage listed. In that respect, the appellant has confirmed that the previous fence was replaced and then added to when she purchased the property in the second half of 2020.

6. Consequently, I conclude that Listed Building Consent is not required for these works (i.e. the extension to the fence).
7. The appeal has been lodged under section 20 of the Planning (Listed Buildings & Conservation Areas) Act 1990 against the refusal of Listed Building Consent dated 1 January 2023 (Council Ref: DC/22/12858). There is no attendant appeal before me made under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission for this development (i.e. the extension to the fence). On that basis, no further action will be taken on the appeal that has been submitted (APP/C5690/Y/23/3316810).
8. For the avoidance of doubt, my Decision relates only to the requirement (or not, in this case) for Listed Building Consent for these works pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990. I express no view as to whether the extension to the fence constitutes development requiring planning permission for the purposes of the Town and Country Planning Act 1990.

Paul Freer
INSPECTOR