



Appeal Decision

Site visit made on 24 September 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2024

Appeal Ref: APP/C5690/D/24/3340956

20 Harland Road, Lewisham, London, SE12 0JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Kunle Onawoga against the decision of the Council of the London Borough of Lewisham.
- The application Ref is DC/23/133622.
- The development proposed is a ground floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension at 20 Harland Road, Lewisham, London, SE12 0JA in accordance with the terms of the application, Ref DC/23/133622, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no. 20HARLRD/P/004.
 - 3) The external wall and roof materials of the extension hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of 18 Harland Road with regard to daylight, sunlight and outlook.

Reasons

3. The appeal property is a semi-detached house on a generous plot of land that slopes downhill at the rear. The adjoining house, no.18, is also very slightly stepped down from the appeal property by approximately 200mm.
4. The proposed extension would be constructed up to the boundary of no.18, close to its patio doors. It would project 3.5 metres from the rear wall of the house and would have a shallow sloping roof. I am advised that when measured from the ground level of no.18, the proposed extension would be just below 3 metres high to the eaves and approximately 4 metres high where it would join the house.
5. As the extension would be to the south of no.18, as well as on slightly higher ground, it would inevitably result in some overshadowing to the rear of the neighbouring property. However, having regard to its single storey nature, sloping roof, limited projection and the existing presence of a high fence, it would not result in an unacceptable loss of sunlight or daylight.

6. The limited height and depth of the proposal would not in my view appear overbearing or result in any harmful loss of outlook or undue sense of enclosure to the occupiers of no.18, which benefits from a long, wide, private, rear garden. The oblique outlook from the patio doors is already that of a 2-metre-high boundary fence, which extends 4.3 metres from the rear of the house before stepping down in line with the sloping ground level and is also approximately 200mm higher on the neighbours side.
7. I note that planning permission was granted in 2012, for a single storey rear extension of the same height and depth as the current proposal but covering the full width of the plot. The relationship between nos.18 and 20 has not changed since that time and I have not been provided with any justification as to why the Council now consider the proposal to be harmful when it did not before. My attention has also been drawn to several other similar extensions that have been granted planning permission in the area, some of which I could see from my visit, that have the same relationship with neighbouring properties.
8. Furthermore, a single storey rear extension projecting up to 3 metres from the rear wall of the original dwelling, could be constructed under permitted development rights and an extension projecting up to 6 metres from the rear wall could be permitted development, subject to no neighbour objections being made under the larger home extension prior notification process. Given that no neighbours have objected to the proposal before me, it is likely the proposal could be permitted development. I afford these factors significant weight.
9. I therefore conclude that the proposal would not adversely affect the living conditions of occupiers of 18 Harland Road with regard to daylight, sunlight and outlook. Consequently, the proposal would accord with Policy 15 of the Lewisham Core Strategy 2011 and Policy 31 of the Lewisham Development Management Local Plan 2014.
10. Whilst I have had regard to the Lewisham Alterations and Extensions Supplementary Planning Document 2019 (SPD), which is a material consideration, this provides only very general advisory guidance in relation to single storey rear extensions. It is not policy and should not be treated as such. Based upon the circumstances of this case, its compliance with relevant planning policies and the fallback options available, I afford limited weight to the conflict with the SPD.

Conditions

11. In addition to the standard time limit, I have imposed a condition confirming the approved drawing number for the avoidance of doubt. A condition to ensure the external materials used in the extension match those of the existing dwelling is necessary to ensure a satisfactory end appearance.

Conclusion

12. For the reasons given above the appeal is allowed.

R Bartlett

INSPECTOR