



Appeal Decision

Site visit made on 5 November 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/C5690/D/24/3340036

108 Durham Hill, Downham, London, England, BR1 5ND

- 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 Mrs Sandra Stephenson against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/133081.
 - The development proposed is described as 'I wish to reduce the existing unauthorised extension by 1 metre to create an extension of 5 metres in depth'.
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Decision

1. The appeal is allowed and planning permission is granted for a development described as 'I wish to reduce the existing unauthorised extension by 1 metre to create an extension of 5 metres in depth' at 108 Durham Hill, Downham, London, England, BR1 5ND in accordance with the terms of the application, Ref DC/23/133081, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
AD-4-44-4A4-SHT-4B(r); AD-4-44-4 SH'T-1; AD-4-44-4 SH'T-2;
Proposed Sections.

Preliminary Matter

2. A 6m deep single storey extension has been constructed to the rear of 108 Durham Hill. The appeal proposal is to reduce the depth of the extension by 1 metre. The proposal is also for the removal of a large outbuilding within the rear garden of the dwelling. I observed at my site visit that the outbuilding has already been demolished and removed from the site.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the host building and wider terrace; and
 - the effect of the proposed development on the living conditions of the occupiers of 106 Durham Hill, with particular reference to outlook from the rear garden.

Reasons

4. The appeal site is within an established residential area characterised by rows of terraced housing facing the street, set back behind short front gardens. The appeal property, 108 Durham Hill is an end of terrace dwelling which is attached to 106 Durham Hill. It is located towards the end of the road with the rear gardens of other similar terraced dwellings in Northover lying to the east. The appeal property is set on a hill and sits at a lower level than 106 Durham Hill.
5. I am aware that the Council has served an Enforcement Notice in respect of the rear extension and that a subsequent appeal¹ was dismissed. Whilst I have not been provided with full details of the case, it appears that the development considered by the Inspector was a 6m deep rear extension and a portacabin within the front garden.
6. The proposal before me differs from that previously considered at appeal as it proposes to reduce the extension to a depth of 5m. Furthermore, the large shed in the rear garden of the property has since been removed.

Character and appearance

7. The height of the rear extension would remain unchanged at around 3.2m. With a reduced depth of 5m it would, nonetheless, represent a sizable addition to the dwelling. In terms of its depth, it would be contrary to the advice contained within the Council's Alterations and Extensions Supplementary Planning Document 2019 (SPD) which advises that rear extensions on terraced houses should generally be no more than 3 metres deep. Whilst non-statutory, the SPD does provide useful design guidance.
8. Compared to earlier proposals considered by the Council, the large shed that was previously within the rear garden of the dwelling has been removed from the site. The dwelling would therefore retain an accessible and usable private garden that is appropriate in size to the size of the property and retain 50% of the garden area as required by Policy 31 of the Lewisham Development Management Local Plan 2014 (DMLP). In this respect the proposal would appear comply with other aspects of the SPD which also state that rear extensions should not take up more than half the depth of the original garden. The extension is also visibly lower than the sill of the first floor windows above, as required by the SPD. I therefore consider on balance, that the reduced depth of the extension would result it appearing subservient to the host dwelling and as a result, would not be overly domineering.
9. I observed on my site visit that there are many other examples of large single storey rear extensions within the immediate area, including to the rear of several the dwellings in adjacent terraces along Durham Hill and to the rear of houses in Northover, adjacent to the appeal property. Therefore, having regard to this context, I conclude that the extension would not have a harmful effect on the existing character and appearance of the wider terrace or surrounding area.
10. I therefore find that despite some conflict with the SPD, the extension would comply with the National Planning Policy Framework 2021 (the Framework), Policy D3 of the London Plan 2021 (LP), Policy 15 of the Lewisham Core

¹ Appeal ref. APP/C5690/C/21/3289570 and 3289571

Strategy 2011 (CS) and Policy 31 of the DMLP. Together, these policies seek high, site specific and sensitive design quality and to respect existing buildings and local context and character.

Living Conditions

11. The rear extension has been constructed on the shared boundary with 106 Durham Hill. The Council's concern is in relation to the effect of the extension on the outlook from the rear garden of No 106.
12. The garden of 106 Durham Hill is long but relatively narrow. The extension at No 108 has a height of about 3.2m when measured from the appeal property. I observed on my site visit that 106 Durham Hill is located on higher ground than No 108 and that, in addition, there is also an area of raised decking to the rear of the No 106 adjacent to the part of the extension closest to the house. Therefore, having regard to these factors, the extension appears lower in height and less oppressive when viewed from the decking and rear garden of No 106.
13. The proposed reduction in the depth of the extension by 1m would also be beneficial to the outlook from No 106, which has already likely to have been significantly improved through the removal on the shed that previously existed in the rear garden of the appeal property, close to the boundary with No 106.
14. Therefore, I find that the height and depth of the proposed extension relative to the natural ground level of the neighbouring garden and in particular to the decked area adjacent to it, would not have a significant enclosing effect on the outlook experienced from the rear garden of No 106.
15. Accordingly, I conclude that the development would not result in significant harm to the living conditions of the occupiers of 106 Durham Hill with particular reference to outlook from the rear garden. The development therefore accords with Policy 15 of the CS and Policy 31 of the DMLP which, amongst other things, seek to ensure that development does not result in a significant loss of amenity to adjoining houses and their back gardens. It would also comply with the design principles set out in the SPD in this regard, which state that rear extensions should not have an overbearing or enclosing effect on adjacent properties by way of their height, position and depth.

Conditions

16. The Council has suggested conditions in the event that the appeal is allowed. I have imposed the approved plans condition for certainty. However, conditions relating to implementation and materials are unnecessary as the development has already commenced.

Conclusion

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

J Davis

INSPECTOR