



Appeal Decision

Site visit made on 14 January 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/C5690/D/24/3347583

3 Upper Brockley Road, Lewisham, London SE4 1SY

- 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 Hull against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/134750.
 - The development proposed is the demolition of existing extension and replacement with new part single part double storey extension. The construction of a replacement front boundary and the installation of replacement windows.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing extension and replacement with new part single part double storey extension. The construction of a replacement front boundary and the installation of replacement windows at 3 Upper Brockley Road, Lewisham, London SE4 1SY in accordance with the terms of the application, Ref DC/24/134750, 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 plans: site location plan; and drawing no's 051 P-104 Rev. A; 051 P-110 Rev. A; 051 P-200 Rev. A; 051 P-201 Rev. A; 051 P-202 Rev. A; 051 P-203 Rev. A; 051 P-100 Rev. A; 051 P-101 Rev. A; replacement sash window details and replacement casement window details (both dated 22-2-2024).
 - 3) Prior to the construction of any new development above foundation level, excluding the replacement windows, precise details of the external materials, including their finishes, to be used on the sides and roofs of the new extensions, and the new front boundary walls, along with the finishes to the new railings, and gate, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved external materials.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the Brockley Conservation Area (the CA); and,
 - the living conditions of the adjoining occupiers, with particular regard to the outlook for those at No. 5 Upper Brockley Road.

Reasons

Effect on the CA

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 210, the Framework sets out matters which should be considered, including sustaining, and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 212 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The Brockley Conservation Area Character Appraisal, published August 2006 (BCACA) says the CA is a large Victorian suburb, and Upper Brockley Road is said to be one of the older parts of the CA. The CA contains lots of relatively straight roads that contain residential properties in a variety of different architectural styles, many of these are terraced with a small setback from the pavement edge.
5. The appeal site is a three-storey mid terraced dwelling, part of a short terrace of 6 no. properties, that have much grander front elevations in comparison to their rear sides with most having rear outriggers of varying styles and sizes. There are other similar short terraces along this side of Upper Brockley Road. I saw on my site inspection that there was considerable variety in the style, size and design of the rear outriggers on this short terrace the appeal property is part of, and I note the comments in the submitted documentation regarding changes to other outriggers on nearby short terraces.
6. The appeal property's single storey rear outrigger has three different roof heights that lean onto a parapet wall along the boundary to No.5. The outrigger has also been unsympathetically rendered and on my site inspection I saw that it was in a poor state of repair and did not positively contribute to the CA. I also saw on my site inspection that the appeal property had UPVC casement windows and a painted front boundary wall with an unsympathetic blockwork decorative topping.
7. Lewisham's Brockley Conservation Area, Supplementary Planning Document (undated), states extensions should respect the design of the house and not cause harm to the character of the conservation area. It also says extensions must be of high-quality design and built in a traditional or contemporary design to complement the host property. In addition, Lewisham's Alterations and Extensions Supplementary Planning Document, Adopted April 2019 (SPD) says although there are occasional exceptions, two-storey rear additions are generally not acceptable in conservation areas. They are said to intensify the existing level of development, overwhelm the original building with new work, and obscure many of its architectural qualities. It is noted that a good example on page 32 of the SPD shows a similar terraced property to the appeal site, with an extension across its ground floor and a first-floor extension above, said to be also of a high-quality design that preserves the CA.
8. There is a significant variation in the rear outriggers, extensions and the fenestration across the rear of the terrace the appeal property is part of, in

particular the rear ground and first floor extensions at no.1. To the extent that the existing rear outriggers have a very limited group value, and they do not positively contribute to the significance of the CA. The original part of the appeal property's rear elevation at ground floor level not covered by its outrigger is severely restricted from viewpoints other than directly within the appeal property's rear garden, and it also does not add to the significance of the CA. It was also apparent that the existing outrigger at the appeal property and the proposed development would not be visible from nearby Wickham Mews due to the intervening buildings, and there would only be very limited glimpses of the first-floor part of the proposals from Manor Mews.

9. The full width ground floor extension would relate sympathetically in terms of its scale and design to the host property, ensuring a modern design approach that would respect the vernacular of the appeal property. Its modest, timber clad first floor extension would be seen differently to the ground floor element, and its design and materials would ensure its bulk and mass was limited, and that the most of the property's rear fenestration on its upper floors would be retained. Overall, the rear extensions would be subordinate to the existing property, and they would harmonise with the appearance of the appeal property and the terrace the appeal property is part of.
10. There would be views of the proposals from neighbouring properties, although these would be in the context of other alterations and the varying rear extensions in this terrace, and those nearby. Given that the proposals are well-designed and they would replace extensions that do not positively contribute to the CA, and that the loss of views of the original parts of the rear elevations would be very limited, there would be no harm to the CA.
11. The proposed replacement windows (including new timber sash windows), new brick wall, and new metal gate would enhance the appeal property and the CA. It is also noteworthy that the Council did not raise objections in respect of these aspects of the proposal.
12. The proposed external materials for the windows, walling, and extension would, subject to a condition regarding the exact materials, ensure the proposals preserved, and in the case of the windows and new wall and gates enhanced the CA. In view of my findings above, the proposed development would have a neutral effect upon the CA.
13. I therefore conclude that the proposed development would preserve the character and appearance of the CA, consistent with the duty in the Act, and for the same reasons comply with the relevant part of Policy HC1 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021, and Policies 30,31 and 36 of Lewisham's Development Management Local Plan, adopted November 2014 (DMLP), and Policies 15 and 16 of Lewisham's Core Strategy Development Plan Document, adopted June 2011 (CS) that amongst other things, require new development to be high quality, complement the form and architectural characteristics of a property, conserve and enhance the significance of heritage assets and prevent development that would be harmful to conservation areas.

Living conditions – No.5

14. No.5 adjoins the appeal site and has an outrigger projecting beyond its rear elevation and a space between it and the boundary to the appeal site, which contains the blank wall of the appeal site's existing outrigger, including its parapet wall. The Council's concerns are focussed on the effect of the proposal upon the outlook from a ground floor dining room window on its rear elevation and a kitchen window on the side of its outrigger that faces towards the appeal site's existing outrigger.
15. The SPD says a single storey extension built on top of a ground floor extension is likely to have the same impact and sensitivities as a two-storey extension, and that they can exacerbate the sense of enclosure for rear extensions and says the onus is on the applicant to demonstrate that the impact on neighbouring properties is not significant.
16. The existing windows in question are already to some extent affected by the height of the existing outrigger and parapet wall. The proposal is to increase the height at first floor level by some 0.8 metres for some 3.5 metres beyond the main rear elevation, but it would be lower than its current height across the remainder of its rear projection. As a result, No. 5's kitchen window, which is positioned some way from its main rear elevation, is said to receive greater light than it does currently.
17. Although no.5's dining room window, which faces directly towards its own rear garden, would have a slightly taller wall at first floor level along part of its joint boundary with no.3, the reduction in the height of the other part of the ground floor extension compared with the existing situation would be a benefit. Overall, the minor increase in height, which would be wholly above the height of the dining room window, would not be materially different to the existing outlook, and I regard the effect to be neutral. Nor would there be an adverse effect on the first-floor windows on the rear elevation of No.5 due to their height in relation to the proposed pitched roof.
18. Furthermore, it is noted that the appellant's Daylight and Sunlight Assessment, prepared by Blue Sky Surveyors, dated 21/12/2023, states that reductions to the daylight and sunlight levels enjoyed by no.5's dining room will be limited and there will be an increase to the daylight levels in no.5's kitchen. The Council has not raised objections in terms of the effect of the proposal upon either day light or sun light to these windows, and I see no reason to disagree.
19. In all other respects, I am content that there would be no harmful effects upon the living conditions of the neighbouring occupiers.
20. I therefore conclude that in view of the existing situation at the appeal property, the proposed development would have an acceptable effect upon the living conditions of neighbouring occupiers and comply with the relevant parts of LP Policy D3, CS Policy 15, and DMLP Policy 31, that collectively require an acceptable outlook, and that proposals protect and avoid significant effects on neighbouring amenity.

Conditions

21. A standard implementation condition (1) has been imposed, along with a condition (2) listing the approved plans to provide certainty over what has been approved. A

condition (3) is also necessary to ensure the external materials harmonise with the character and appearance of the property and the area.

Conclusion

22. The proposed development accords with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR