



Appeal Decision

Site visit made on 23 January 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/C5690/W/24/3351781

135 Minard Road, Lewisham, London SE6 1NN

- 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 TEE Estates against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/133184.
 - The development proposed is the erection of a 3m ground floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3m ground floor rear extension at 135 Minard Road, Lewisham, London SE6 1NN in accordance with the terms of the application ref DC/23/133184 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plan (MR.135.LP RV00), Pre-Existing Floor Plan (MR.135.PRE-EX.01 Rev B), Pre-Existing Floor Plan (MR.135.PRE-EX.02 Rev B), Existing (As Proposed) Floor Plan (MR.135.EX-AP.01 Rev B) and Existing (As Proposed) Floor Plan (MR.135.EX-AP.02 Rev B).
 - 2) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no development or formation of any door providing access to the roof shall be carried out, nor shall the roof area of the extension hereby permitted be used as a balcony, roof garden or similar amenity area.

Applications for costs

2. An application for costs was made by TEE Estates against the decision of the Council of the London Borough of Lewisham. This application is the subject of a separate decision.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought by the parties. I have, however, determined the appeal having regard to the revised Framework.
4. The single storey rear extension which this appeal relates to was in place at the time of my visit and its external form reflects the development undertaken. For clarity, I have dealt with the appeal based on the submitted plans.

Main Issues

5. The main issues are the effect of the development on (i) the character and appearance of the host building and the area, and (ii) the living conditions of neighbouring residential occupiers of No's 133 and 137 Minard Road with regards to daylight, sunlight and outlook.

Reasons

Character and appearance

6. The appeal property is a mid-terrace building which is situated on the eastern side of Minard Road. It is located in a predominantly residential area that contains mainly two storey terrace properties, with buildings being set back from the highway and containing features such as bay windows and decorative architectural features surrounding front entrance doors. Together, these contribute to a harmonious, unified character of the built form in the area.
7. The proposal consists of a full width single storey extension that projects around 3m from the two-storey rear element of the appeal building. Although reference is made to the 3.175m height of the proposal from the garden level, I do not consider this to be excessive. The extension is finished in a yellow brick, but this is not dissimilar to the brick finish on the rear elevation of the host building. I was also able to see other rear additions in the vicinity of the site and the development is not therefore out of character with the area.
8. I therefore conclude that the development does not have an adverse effect on the character and appearance of the host building or the area. As such, it complies with Core Strategy Policy 15 of the Lewisham Core Strategy (Core Strategy), DM Policies 30 and 31 of the Council's Development Management Local Plan (DM Local Plan) or Policy D3 of the London Plan, which seek, amongst other matters, development of a high standard of design. It would also comply with the Framework, which seeks at Paragraph 135, development that is sympathetic to local character.
9. Although the proposal would not comply with specific guidance on the height of single storey rear extensions in the Alterations and Extensions Supplementary Planning Document (SPD), it would not conflict with its aims, which amongst other matters, seeks to ensure that extensions are not excessive in scale and subordinate to the original dwelling.

Living conditions

10. The extension would be sited on the common boundaries with the neighbouring properties to either side of the appeal building. Its projection, at around 3m, and a similar height of around 3m at the boundaries ensures there would be no harmful loss of light arising on the neighbouring occupiers at No's 133 or 137 Minard Road. The height and length of the extension along these boundaries, as well as the long rear gardens of this row of properties has not resulted in an unduly harmful level of enclosure to the occupants of the neighbouring properties.
11. Given the above, I conclude that the development does not have an unacceptable harmful effect on the living conditions of neighbouring residential occupiers of No's 133 and 137 Minard Road with regards to daylight, sunlight and outlook. As such, it would be compliant with Core Strategy Policy 15 of the Core Strategy and DM

Policy 31 of the DM Local Plan, which seek, amongst other matters, for residential extensions to not result in significant loss of amenity to adjoining houses and their back gardens. It would also not conflict with the aims of the SPD, which seeks to avoid harmful impacts on neighbouring occupiers.

Other Matters

12. I note the concerns in relation to noise and anti-social behaviour, as well as traffic. This proposal relates to a rear extension, which given its size, would not give rise to any adverse effects in these regards.
13. Concerns have been raised relating to the submission being misleading, but I was able to see the appeal site and its relationship with surrounding properties at the time of my visit and have considered the appeal accordingly.
14. I have taken into account other matters raised including reference to the extension having been constructed without neighbour consultation, the use of the property, permitted development rights and party wall matters. None of these matters would outweigh my conclusions on the main issues.

Conditions

15. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the suggested conditions as appropriate.
16. I have imposed a condition requiring compliance with the approved plans and a condition preventing the use of the roof area as an amenity area, as this is necessary in the interests of the living conditions of neighbouring residents.

Conclusion

17. The proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR