



Appeal Decision

Site visit made on 24 March 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/C5690/D/25/3360249

143 Boundfield Road, Lewisham, London SE6 1PE

- 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 Oladipo Ayoola against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/136783.
 - The development proposed was originally described as “construction of an outbuilding as ancillary granny annexe.”
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Decision

1. The appeal is allowed and planning permission is granted for construction of an outbuilding as an annexe at 143 Boundfield Road, Lewisham, London SE6 1PE in accordance with the terms of the application, Ref DC/24/136783, 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 nos: 2226_P01; 2226_P02; 2226_P03; and 2226_P04, all dated July 2024.

Preliminary Matters

2. Following the Authority’s notice of decision, the National Planning Policy Framework (the Framework) was revised on 12 December 2024. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.
3. It is acknowledged that the Council changed the description of development from that in the application form and banner heading above. This is reflected in the appellant’s appeal form. Nevertheless, I have amended the description of development in the formal decision above to remove superfluous wording.

Main Issues

4. The main issues are (i) whether the proposal amounts to annexe accommodation; and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Accommodation

5. The proposed annexe would have an internal layout that is shown to include an open plan kitchen/dining/living room, with separate bedroom and shower rooms. It would be of a comparable footprint to its host property. However, that building has 2 storeys and includes an unusually generous length of garden. Despite the size of its footprint, the proposed annexe building would be of a notably low, single storey height and positioned at the end of this garden space. It would be of a smaller scale than its host and a subordinate part of the overall planning unit. This is consistent with the informal advice provided within the Council's Alterations and Extensions Supplementary Planning Document.
6. The Council says the building could be occupied without any reliance on the main household. The kitchen and accommodation would be of a generous size making it conceivable that laundry and day-to-day living could be carried out within. Be that as it may, the appellant claims that it would be occupied by an elderly relative who requires help with domestic arrangements. They add that they would use the main house to do their laundry and socialise with the family, which is likely to be the case. Additionally, the main entrance to the building would directly face the rear of the host property, sharing a well related and generously sized garden area in-between. This would add to the overall sense of connectivity between the proposed annexe and its host.
7. In that context, the plans show the removal of a side elevation, and the Council is concerned that this could result in a separate access into the proposed building. At my visit, I saw that this lean-to was in a very poor state of repair. In addition to facilitating the proposed build, it is understandable why the appellant would wish for its removal. Furthermore, while this would open up additional access to the rear of the property, the arrangement would be commonplace and entirely reasonable. Moreover, the plans show no additional vehicular access or proposed demarcation of existing boundary treatment to suggest any intended severance. For these reasons, the building would be capable of being occupied as an annexe and occupants would be likely to live as part of the household in the main house.
8. In any case, a new dwelling has not been applied for. If the building is not constructed or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required. Additionally, the building would be at risk of enforcement action if such permission is not granted. As a consequence, there would be no need to include a restrictive condition as suggested by the Council.
9. For the above reasons, I conclude on this main issue that the proposed development amounts to annexe accommodation. As such, there would be no conflict with Policy D33 of the Lewisham local development framework Development Management Local Plan (LP), which, amongst other things, seeks to avoid the use of back gardens as separate dwellings. There would also be no conflict with paragraph 135 of the Framework which says, in part, that decisions should ensure developments function well and maintain a strong sense of place.

Character and appearance

10. The appeal site comprises an end terrace property in a built-up area and its associated garden, that is mostly paved. The broader housing layout is such that the appeal site's outdoor space is surrounded by the gardens of a number of other properties, bounded by fencing of varying height. While no identical buildings in the immediate surrounding area were obvious, I saw a particularly tall structure abutting the northern edge of the appeal site. This is next to the proposed siting of the more nestled down and low-key design of the appeal building.
11. In that context, the proposal would introduce a flat roof building that would rise only marginally above many of the surrounding boundary fences. Although covering a large footprint, a generous garden area would be retained. It would not appear unduly incongruous when read against the taller host property and surrounding built form. The finish of render with powder coated aluminium would be of a sufficiently high quality. Additionally, it would be robust, and of unoffensive appearance. Even with the flat roof material finish, the building would not appear out of place in this garden setting. Rather, it would go some way towards adding to the overall quality of the area.
12. I therefore conclude on this main issue that the proposed development would not have a harmful effect on the character and appearance of the area. As such, there would be no conflict with LP policies DM30 and DM33 or London Plan Policy D3, which, collectively in this respect, seek to ensure developments deliver buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to building types, forms and proportions.

Other Matters

13. I have paid regard to concerns raised in respect of the living conditions of neighbours with regard to privacy. However, given the small scale of the development proposed and lack of windows facing directly into neighbouring gardens, it would have a negligible effect in this respect. It would also be sited to the very end of the long garden; some distance away from the rear windows of nearby neighbouring properties. Moreover, I note that the Council has no concerns relating to this matter.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans in the interests of certainty.

Conclusion

15. For the reasons given, the appeal is allowed.

J Hills

INSPECTOR