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## Appeal Decision

Site visit made on 4 March 2025 by S Wilson LL.B. MSc MRTPI

**Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2025

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**Appeal Ref: APP/A5840/D/24/3354609**

**11 Tisdall Place, London SE17 1QQ**

- 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 John Sinclair Smith against the decision of the Council of the London Borough of Southwark.
  - The application Ref is 24/AP/2302.
  - The development proposed is the demolition of existing single storey rear extension and construction of a part 1 storey and part 2 storey rear extension.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - Whether the proposal would preserve or enhance the character or appearance of the Mission Conservation Area (MCA).
  - The effect of the proposal on the living conditions of occupiers of No.13 Tisdall Place with particular regard to outlook.

### Reasons for the Recommendation

#### *Character and Appearance*

4. The appeal property is a two storey, double fronted property that forms part of Tisdall Place, a pleasant, uniform terraced street that contributes positively to the significance of the Mission Conservation Area (MCA). The appeal property shares a boundary with Nos 9 and 13. The boundary to No. 9 has a mutual rear outrigger that forms a consistent pattern of similar outriggers along the terrace. To the other boundary, at No.13 is a boundary fence.
5. The MCA Appraisal (MCAA) notes the narrow shape and odd alignment of Tisdall Place, along with their uniformity and attractiveness that is worthy of preservation. The MCAA highlights that the introduction of unsympathetic additions and alterations has marred the area. However, the cohesive group of houses at Tisdall Place remain of historic interest.

6. The proposal would introduce a full width ground floor extension with a smaller centralised first floor extension. The ground floor element would be excessively tall, adding an uncharacteristically large mass, jarring against the rhythmic and uniform proportions of the rear elevations. The uncharacteristic central positioning of the first floor would disrupt the pattern of development across the rear elevations of the group. Furthermore, the proposed flat roof would be uncharacteristic of the pitched roofs of the rear elevations of the group. Cumulatively, these elements would draw attention away from the cohesive rear elevations and roofscape, diminishing the contribution the rear of the terrace makes to the character and appearance of the MCA.
7. Whilst not highly visible from within the street that runs between 15-19 Tisdall Place, the harm identified above would be visible from multiple properties within the MCA. Views from other properties within the MCA form an integral appreciation of the MCA and as such the inability to perceive the harm from a public viewpoint does not mitigate its harm.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Given the scale and location of the proposed development, the harm to the significance of the MCA would be less than substantial in the terms of the National Planning Policy Framework (2024) (the Framework). Nevertheless, it is a matter of considerable importance and weight. I am required to balance this harm against the public benefits of the proposal.
9. The proposal would provide additional accommodation at the site, the benefits of which are essentially private in nature. There would be very limited, short term, public benefits in terms of employment opportunities during the construction of the proposal. The very limited nature of the public benefits of the proposal would not outweigh the less than substantial harm, as identified above, to the significance of the MCA.
10. Accordingly, the proposal would fail to comply with Policies P13 and P20 of the Southwark Plan (2022); Policies D3 and HC1 of the London Plan (2021), the Heritage Supplementary Planning Document (2021), and the relevant paragraphs of the Framework, insofar as they require development to be of high-quality design that preserves the character and appearance of the host property and preserves the character or appearance of the MCA.

### *Living Conditions*

11. The ground-floor element of the proposal would extend to the boundary with No.13 and be 3.15m tall and 2.8m deep. The outside garden space at No.13 is modestly sized. The introduction of an excessively tall single storey development to the boundary and extending to approximately half the depth of the rear outside amenity space, together with the limited amount of outdoor space available to No.13, would result in the harmful introduction of a sense of enclosure for the occupiers of No.13 whilst using their outdoor garden space.
12. Accordingly, the proposal would fail to comply with Policy P56 of the Southwark Plan (2022), guidance in the 2015 Technical Update to the Residential Design Standards Supplementary Planning Document (2011), and the relevant paragraphs of the Framework, insofar as they seek high quality design that respects the living conditions of occupiers.

### *Fallback*

13. The evidence demonstrates that there are previous grants of planning permission for similar schemes on the appeal site: references 21/AP/0995 ,19/AP/2829 and 19/AP/7083. The appellant maintains that planning permission 21/AP/0995 is extant and would be a fallback position against which the current proposal should be compared. All three permissions contain the statutory three-year time limit condition which has elapsed.
14. It is for the appellant to provide evidence to demonstrate the lawful implementation of 21/AP/0995. The evidence provided includes photographs that appears to show a foundation; however, I cannot be certain that the measurements of the foundation correlate to planning permission 21/AP/0995.
15. Whilst there is also evidence from Stroma Building Control, it does not identify the planning reference number and therefore I cannot be certain that it correlates to planning permission 21/AP/0995, 19/AP/7083, or 19/AP/2829; all of which are similar schemes. Consequently, on the evidence before me, I cannot be certain which grant of planning permission has been implemented, if any, and therefore I cannot consider the information on the nature and content of the 'fallback' scheme in comparison to the appeal proposal, or the likelihood of the fallback scheme being carried on or carried out. As such, I attribute the fallback position very limited weight.

### **Conclusion and Recommendation**

16. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

*S Wilson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*Mr A Spencer-Peet*

INSPECTOR