
Appeal Decision

Site visit made on 1 May 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/C5690/W/24/3354656

46 Lawrie Park Road, Lewisham, London SE26 6DN

- 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 Dr Claire Henderson against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/136347.
 - The development proposed is Demolishing internal garden access staircase, and forming new staircase externally by steel frame to access garden.
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Decision

1. The appeal is allowed and planning permission is granted for demolishing internal garden access staircase, and forming new staircase externally by steel frame to access garden at 46 Lawrie Park Road, Lewisham, London SE26 6DN in accordance with the terms of the application, Ref DC/24/136347, and the plans submitted with it, 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 the following approved plans: 24_30-P-00 V1; 24_30-P-01 V1; 24_30-P-02 V1; 24_30-P-03 V1; 24_30-P-04 V1

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers of 40 and 42 Lawrie Park Road (No's 40 and 42), with particular regard to the effect on privacy.

Reasons

4. The appeal property is an upper floor flat located within a two storey terrace of similar properties which are subdivided into flats. Properties within the terrace generally have deep, two storey 'outriggers' which project onto rear gardens divided lengthways.

5. The outriggers are parallel to each other, with minimal separation and are designed with an ample number of side windows. The appeal property's kitchen and a separate bedroom have large windows which provide unobstructed views from close range to the ground and first floor side outrigger windows of No's. 40 and 42 and into the habitable rooms which these windows serve. As a result, the character of the properties within the terrace is defined by their close proximity, and the high level of intervisibility between neighbouring properties which I observed during my site visit.
6. The proposal would provide access from the kitchen within the outrigger to the appeal property's garden. It seems to me very unlikely that occupiers of the appeal property would choose to linger on the external staircase and platform or use it like a balcony. Firstly, because the size of the platform would be impractically small to accommodate outdoor furniture which would normally be expected on a balcony. Secondly, because the appeal property has a generously sized garden which, at the time of my site visit had an outdoor table and four chairs, and which is likely to provide a much more attractive outdoor space for the appeal property's occupiers to spend time.
7. Whilst I acknowledge that the appeal proposal would project closer to neighbouring dwellings, given the extent of existing mutual overlooking between the residential windows of the appeal property and No's 40 and 42, and because I do not find that occupiers of the appeal property are likely to linger on the appeal structure, I do not find that the stairway and platform would result in a demonstrable loss of privacy for the neighbouring occupiers.
8. Views of the rear gardens of No's 40 and 42 would be possible from the stairs and platform. These garden areas already experience a high degree of mutual overlooking between properties and gardens which is common within a tightknit residential area such as this. Consequently, the proposal would not have an unacceptable effect on the privacy of the neighbouring occupiers' gardens.
9. I acknowledge that the Council's Alterations and Extensions Supplementary Planning Document (2019) (SPD) outlines that external staircases are likely to give rise to overlooking and loss of privacy. However, for the reasons outlined above, in this instance, the proposal would not result in an unacceptable loss of privacy to neighbouring occupiers.
10. As I have found that the proposal would not have an unacceptable effect on the living conditions of neighbouring occupiers, it would comply with Policy 15 of the Core Strategy (2011) and Policy DM31 of the Development Management Local Plan (2014) (DMLP) and the SPD. Amongst other aspects, these seek to protect the living conditions of occupiers of neighbouring properties from unreasonable effects on their privacy.
11. The Council also alleges a conflict with Policy 30 of the DMLP with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Other Matters

12. The Council's officer report states that the proposal may restrict natural light to neighbouring occupiers. Whilst the proposal would project closer to neighbouring

windows, no substantive evidence has been provided to demonstrate that the effects would amount to harm, nor did the Council refuse planning permission on the basis of harm related to this matter. Therefore, I have not referred to this issue further.

Conditions

13. I have considered the Council's suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty.
14. The main parties refer to the potential to provide screening to the development, which could be secured through a planning condition. However, as I have found that the proposal would not have a harmful effect on neighbouring occupiers' privacy a condition requiring screening would not be necessary.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, the proposal would not have an unacceptable impact on the living conditions of neighbouring occupiers and accords with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR