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## Appeal Decision

Site visit made on 21 July 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 July 2025**

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**Appeal Ref: APP/A5840/D/25/3366282**

**107 Kimberley Avenue, Southwark, London SE15 3XD**

- 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 Robert Costello against the decision of the Council of the London Borough of Southwark.
  - The application reference is 24/AP/3553.
  - The development proposed is described as the erection of a terrace and screen and new door to rear of house at first floor level.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The appellant has described the proposal as in the above heading. The Council has, however, referred to it as a first-floor rear terrace with associated alterations to the ground floor extension roof; a rear dormer extension with 1 roof light to the flat roof; a squaring-off of the first-floor rear outrigger; and 4 roof lights to the front roof slope. From my inspection of the plans, I consider that the Council's description more fully and accurately reflects the development sought. I have assessed the appeal on that basis.
3. The proposed development is in place, and it is broadly in accordance with the plans aside from the first-floor rear terrace. This element of the appeal scheme is proposed to be set back from the main rear wall and so it would be shorter and smaller than the terrace that has been constructed. The proposal is to enclose this terrace with an 1.8-metre-high obscurely glazed screen with an aluminium frame.
4. In early July, the Council adopted the Householder Development Supplementary Planning Document (SPD) and withdrew its Residential Design Standards Supplementary Planning Document. From my reading of the SPD, there is no significant change to the Council's planning guidance insofar as it is relevant to this appeal. My assessment takes into account the recently adopted SPD.

### Main Issues

5. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 105 and 109 Kimberley Avenue with particular regard to outlook and sense of enclosure.

## Reasons

### *Character and appearance*

6. The dormer extension, as built, occupies most of the main rear roof slope of the appeal property, which is a mid-terrace dwelling of traditional style within a predominantly residential area. This dormer also extends rearwards across the 2-storey outrigger to form a sizeable 'L' shaped flat roof structure at roof level. As a result, the development has introduced a third storey to the outrigger over almost its entire length and most of its width. Furthermore, the party wall along one side of the outrigger has also been extended upwards beyond which is 109 Kimberley Avenue, which is attached to one side of the appeal property.
7. When seen from the back garden of No 107, the considerable scale and bulk of the rear dormer and its elevated position gives the building an awkward top-heavy appearance. The proposed glazed screens around the perimeter of the first-floor rear terrace would also create a visually strong horizontal feature at a high level on the rear elevation of the building. The use of glazing in this way, although lightweight in nature, would further increase the prominence of the outrigger by accentuating its outward projection and scale, and significantly adding to its height.
8. By introducing new built form and visually strong features in a high-level position, the appeal scheme would also unduly disrupt the subordinate relationship between the outrigger and the main house, which is an original design feature of the building. For all these reasons, the dormer and proposed rear terrace would spoil the intrinsic character of the appeal dwelling.
9. As both the dormer and the first-floor terrace are at the back of the dwelling, away from the road, neither would be evident in the local street scene. These elements of the appeal scheme would, nonetheless, form part of the character of the local area as it is experienced from nearby buildings. From the back gardens of the properties on either side of the site, the dormer and first floor terrace, as proposed, would appear as overly large and visually dominant structures. Consequently, the proposed development would be an obtrusive and visually disruptive feature and an unwelcome addition to the local area.
10. I note that the Council has recently issued a lawful development certificate (LDC) for an L shaped dormer extension on the main rear roof slope of No 107 and part of the outrigger. As the rear dormer under the LDC scheme would be noticeably smaller than the development before me, with a greater set back from the main rear wall, its visual impact would be less pronounced than that of the appeal scheme.
11. I saw that several properties in the local area include large rear dormers, some of which are visible from the site, to which the appellant has referred and provided photographs. I am unaware of the background to these existing extensions and so I am unable to conclude that their circumstances are the same or very similar to those of the development before me. In some cases, these roof level additions exemplify the harm to which I have referred and so their presence does not necessarily lend weight in support of the appeal scheme. In any event, each proposal should be assessed on its own merits, which I have done.
12. On the first main issue, I conclude that the proposed development would cause significant harm the character and appearance of the host building and the local area. Of the policies cited that are most relevant to this main issue, the

development conflicts with Policies P14 and P15 of The Southwark Plan 2019-2036 (SP). These policies promote high standards of design and aim to ensure that development positively responds to the existing context and character.

13. The development is also contrary to the advice in the Council's SPD, which states that roof extensions should remain subservient in scale to the existing home and not appear as a dominating feature.

#### *Living conditions*

14. The glazed screen to be introduced to one side of the first-floor rear terrace would be shorter than its existing counterpart. However, it would still be evident from the main first-floor rear window of No 109 at close range. The side elevation of the dormer would also be visible from the upper rear windows of 105 Kimberley Avenue, which is the attached property on the other side of the site.
15. Having carefully viewed the rears of both Nos 105 and 109 from the existing rear first floor terrace of No 107, I consider that the development, as proposed, would have an unduly imposing presence given its scale, length and proximity. By significantly adding to the built form of the rear outrigger, the development would unacceptably dominate the outlook for the occupiers of Nos 105 and 109 and heighten a sense of enclosure when seen from some of their rear windows.
16. On the second main issue, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of Nos 105 and 109. As such, it conflicts with SP Policy P56 and the guidance in the SPD insofar as they aim to safeguard residential amenity. It is also at odds with the National Planning Policy Framework (the Framework), which aims to ensure that developments create places with a high standard of amenity for all users.

#### *Other matters*

17. The development makes efficient use of the space available at the back of the building. No objection is raised to the external materials used. The appeal property is not statutorily or locally listed and the site is not within a conservation area. However, these considerations do not outweigh the identified harm.
18. The Council and interested parties raise additional objections including the issue of precedent and the potential effect of the development on privacy and light. These are all important matters, and I have taken into account all the submitted evidence. However, given my findings on the main issues, these are not matters that have been critical to my decision.

#### **Conclusion**

19. Overall, the proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR