
Appeal Decision

Site visit made on 20 June 2025

by T Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 August 2025

Appeal Ref: APP/C5690/W/25/3363139

Land to the rear of 1 Earlsthorpe Road, London SE26 4PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ajay Singh against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/24/138402, dated 6 December 2024, was refused by notice dated 14 February 2025.
 - The development proposed is the demolition of the existing garage at the side and construction of a 3 storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of the proposal which the Council has formulated, rather than as used by the appellant on the application form as it is more appropriate.

Main Issues

3. The main issues in this appeal are;
 - The effects of the proposal on the living conditions of neighbours
 - The effects of the proposal on the character and appearance of the Conservation Area
 - The effects of the proposal in relation to trees.

Reasons

4. The appeal relates to this small site which sits to the rear of No 1 Earlsthorpe Road and immediately adjacent to No 2 Queensthorpe Road. The site and the surrounding area are within the Sydenham Thorpe Conservation Area which consists mainly of residential development from the Edwardian era. Although there are variations in design, the houses generally display a consistency of design, materials and scale which gives the area a strong sense of unity.

Living Conditions of Neighbours

5. The proposed house would replace an existing small garage. It would be sited immediately adjacent to the rear garden boundary of No 1 Earlsthorpe Road

and adjacent to the boundary of No 3 Earlsthorpe Road. The appellant indicates that the flank wall of the proposed house would be 11m from the rear wall of the house at No 1 Earlsthorpe Road.

6. The proposed new house would be clearly visible from Nos 1 and 3 Earlsthorpe Road from the rear facing rooms and from the garden area. Whilst I agree that the effects on those residents when within the building at Nos 1 and 3 would be limited, I consider that when using their garden areas the effects would be considerable. The new house would be sited immediately adjacent to the boundaries and would have a dominating and overbearing effect on those neighbours. Notwithstanding the fact that the proposal would not be as large as the house at No 2 Queensthorpe Road, I consider that it would appear large and unacceptably dominating to the residents at Nos 1 and 3 Earlsthorpe Road. Therefore, the proposal would be contrary to Policy 15 of the Lewisham Core Strategy (CS) and Policies 31 and 33 of the Development Management Local Plan (DMLP).

7. **Conservation Area**

8. The proposed house would sit immediately adjacent to the existing house at No 2 Queensthorpe Road and slightly forward of it. It would have brick elevations and a zinc clad upper section with areas of flat ("green") roof. The appellant considers that the modern design would be a successful addition to the area, avoiding a pastiche and complementing and enhancing the legibility of the character of the area.
9. The proposal would be lower and narrower than the adjacent houses. Whilst the use of red bricks would reflect the materials present in the area, the vertical sections of zinc cladding would not. The storey heights of the proposal would be less than the existing houses. This results in the failure of the window openings and eaves level matching the existing houses. The window proportions are also different in a number of instances.
10. Whilst I agree with the appellant that a modern design may be acceptable in a traditional/historic area, I consider that the proposal would appear visually awkward and challenging when seen alongside the original houses. The difference in storey heights, window alignment and the difference in roof design and materials would give a significantly unresolved and visually unsettling effect. These matters give rise to conflict with Policies 15 and 16 of the CS and Policies 30, 31 and 36 of the DMLP.
11. The appellant has drawn my attention to an appeal decision for a nearby site at the rear of No 11 Queensthorpe Road (Ref: APP/C5690/w/15 3137530) dating from February 2016. The appellant indicates that support was given for a modern design and claims support for the current appeal. However, I note a number of significant differences between the 2 schemes. The successful appeal was for a site at the rear of the original buildings and was for a single storey building. My fellow Inspector concluded that, as a result, it would be unobtrusive and its design responded to the more informal nature of the site. Adding that it would not compete visually with the other buildings. Concluding that this was a very specific case. In my view no such similar comments apply to the scheme now before me. I have also looked at the remainder of the conservation area and find no similar forms of development in similar positions which may support the appeal scheme.

Trees

12. The appeal site contains 2 trees which are proposed to be removed, an Ash and a Cypress. The Council's submitted documents and reason for refusal indicate that they consider that both trees but particularly the Ash tree are important contributors to the character and appearance of the area. I agree that the Ash tree makes a valuable contribution to the area; less so the Cypress tree due to its form and appearance.
13. The appellant has submitted reports which assess the trees and includes information relating to the health of the Ash. It states that tests confirm that it has Ash Dieback disease. It is also stated that both trees will be likely to cause damage to existing nearby structures, should they remain. Additionally, it is stated that the Ash tree could pose a threat to safety and if retention was required, the tree would need to be pruned regularly. The Council has not submitted any additional specialist evidence in relation to trees with the appeal and relies on that given at the application stage, prior to the submission of the appellant's most recent report.
14. On the basis of the evidence that I have before me, it appears that the existing trees pose a threat to the existing nearby structures. Additionally, the Ash is subjected to Ash Dieback and is likely to deteriorate and could pose an additional safety risk. Whilst I acknowledge the positive contribution of the Ash in particular, I consider that, had the other aspects of the appeal scheme been acceptable, there is insufficient evidence before me to resist the loss of the 2 trees.

Conclusions

15. I have taken account of all of the other matters raised by the appellant including the standard of internal accommodation that the house would provide. However, My conclusions in relation to the harm to the character and appearance of the Conservation Area and to the living conditions of neighbours are not outweighed by any other matters. As a consequence, the appeal is dismissed.

T Wood

INSPECTOR