



Appeal Decision

Site visit made on 20 August 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/C5690/W/25/3360584

119 Waters Road, Lewisham, London SE6 1UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Arif against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/138161.
 - The development proposed is erection of a single-storey rear extension.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council of the London Borough of Lewisham and is the subject of a separate decision.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. Unless otherwise stated, references below are to paragraphs within that Class.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies – with the conditions, limitations or restrictions that are applicable to such permitted development. The Council refused the application on that basis.
5. Some sections of the appellant's written representations describe the application as having been for a Lawful Development Certificate (LDC) and the appeal was originally submitted on an LDC appeal form. However, the application was for a determination whether prior approval is required, as described above, and not for an LDC. An amended appeal form has been provided, and the appellant's representations adequately articulate their case in relation to the Council's decision to refuse prior approval. I have considered the appeal on that basis.

6. The appellant's statement refers to a separate application having been made and refused for an LDC in relation to a proposed two storey rear extension and roof alterations to the same dwelling (application ref: DC/24/138170). For the avoidance of doubt, this decision relates only to the application for a single storey rear extension, as described in the banner heading above. In that heading, I have taken the description of the proposed development from the application form. The application form also stated that the extension would extend 5.99m beyond the rear wall of the original dwellinghouse, with a maximum height and eaves height both of 2.9m, and those measurements were included in the revised description on the Council's decision notice.

Main Issue

7. The main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

8. The appeal concerns extension of an end terrace, two storey dwelling, with a single storey outrigger at the rear. The majority of the dwelling is faced in brick, with a pitched roof. In contrast, the outrigger has a flat roof and is finished in what appears to be a form of interlocking cladding, in narrow horizontal bands. Although these are laid out in a pattern reminiscent of brickwork, the material has different proportions and texture to the facing bricks on the other elevations, with a pale finish.
9. The reason for refusal alleges that the developer provided insufficient information relating to the rear outrigger, and the Council's Officer Report more specifically expresses the case officer's belief that it is part of the original design of the dwellinghouse. If that is the case, the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse, namely a side elevation of the outrigger. Since it would also have a width greater than half the width of the original dwellinghouse, that would mean that the proposal did not comply with the limitations in paragraph A.1(j).
10. The appeal site is in a residential estate where there are numerous terraced dwellings of the same general design. Several have similar rear outriggers. Many of these have a darker, reddish brown exterior finish, but the external materials, dimensions, position and form of the outriggers is otherwise very consistent.
11. Neither party has provided a specific date for the erection of the dwelling, although the appellant refers to it having been built in the 1930s. While there is no conclusive evidence to that effect, the detailing of the dwellings and flats in the surrounding estate is broadly typical of that era. That being the case, Section 2(1) of the GPDO would define the original dwellinghouse as being as it existed on 1 July 1948 and neither party has suggested that it was erected after that date.
12. The contrasting appearance and materials on the outrigger are an indication that it might not have been constructed at the same time as the rest of the dwelling. The existence of similar outriggers elsewhere on the estate does not, of itself, confirm that they were built with the dwellings, since several dwellings could have been extended on a comprehensive basis, particularly if properties were rented from a single landowner.

13. However, while it is possible that the outrigger was not built with the dwelling, that does not confirm that it was added after the relevant date in 1948. Although the outriggers do all appear to be of some age, the materials and design give little specific clue as to the date of construction. If the estate was developed in the 1930s, they could feasibly have been added before 1948. The fact that some other properties have different rear extensions, or none at all, is inconclusive, since further alterations may have been made more recently.
14. The appellant has provided two historic site plans, one of which includes HM Land Registry title details while the other was sourced from the Council. Both are based on an Ordnance Survey 1:1250 basemap. The Land Registry map carries a copyright date of 1969, which may relate to the map edition, but the date on which the buildings were last surveyed is not specified. The other map includes a 2006 date stamp and 2002 drawing reference, but these appear to relate to the date the drawing was prepared, rather than the basemap.
15. No rear outriggers are shown at either the appeal site or the similar terraced houses on either of the historic maps. However, the maps are at a small scale and, as set out above, the date on which the buildings were last surveyed is not specified. Minor additions and alterations may not always be surveyed immediately, particularly in an area where there has been limited change. Therefore, while the maps are a further indication that the outriggers may be a later addition, they do not amount to convincing evidence that they were constructed after 1 July 1948, and no other dated evidence has been provided.
16. The GPDO confirms in paragraph A.4(3) that an application may be refused where, in the opinion of the local planning authority, the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the applicable conditions, limitations or restrictions. That places an onus on the developer to provide sufficient information for that judgement to be made. While Planning Practice Guidance expands on the slightly different evidence requirements where an LDC is sought, that is not relevant to this application, to which the requirements in the GPDO are applicable.
17. For the reasons set out above, although there is some evidence that the outrigger may post date construction of the rest of the dwelling, the evidence provided with the application and this appeal does not adequately confirm whether it was built before or after 1 July 1948. Therefore, insufficient information has been provided to establish whether the proposed development complies with the limitations in paragraph A.1(j). I consequently conclude, based on the evidence before me and for the purposes of this particular appeal, that the proposed development would not be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Conclusion

18. For the reasons given above the appeal should be dismissed.

Jane Smith

INSPECTOR