
Appeal Decision

Site visit made on 20 May 2025 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Appeal Ref: APP/C5690/W/24/3356227

151 Upper Brockley Road, Lewisham, London, SE4 1TF

- 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 Sara Mungeam against the decision of the Council of the London Borough of Lewisham.
 - The application reference is DC/23/133759.
 - The development proposed is the construction of a two-storey dwelling house.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a two-storey dwelling house at 151 Upper Brockley Road, Lewisham, London, SE4 1TF, in accordance with the terms of the application, reference DC/23/133759, subject to the conditions in the attached schedule.

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.

Preliminary Matters

3. The description of development on the application form is extensive and contains wording that is not a description of development. Therefore, the description in the banner heading and the formal decision above is taken from the Council's Decision Notice, albeit I have removed the address as that is not a description of development. This description was also used in the Council's public consultation, and it is a more clear and concise description of the proposal.
4. As the proposal is in a conservation area, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Brockley Conservation Area (BCA).

Reasons for the Recommendation

6. The appeal site is located in the BCA which covers an area traditionally known as Brockley and is located in the north-west part of the London Borough of Lewisham. The Brockley Conservation Area Character Appraisal (CA) and the Brockley Conservation Area Supplementary Planning Document (SPD), identify that the BCA

- is partly characterised by houses set within wide, tree-lined roads with large front and rear gardens. The rear gardens tend to back onto each other or onto mews.
7. The mews are the unmade service roads running behind the houses in some of the larger streets in the BCA. Historically, there was little development along the mews, and their significance today is generally derived from their calm and leafy contrast to the surrounding built up streets. They tend to be leafy lanes which feature mature trees, single-storey garages and views to the rear elevations of houses and the long, verdant gardens. These features contribute positively to the suburban and spacious feel of the area and in that regard, they contribute positively to the character and appearance of the BCA.
 8. Notwithstanding that, Ashby Mews does not however share all the same quiet and leafy characteristics as some of the other mews in the BCA. The northern section in particular has a significant amount of mixed-use development including light-industrial and workshop uses. In contrast, the southern end mostly features domestic garages. Even with the live/work unit under construction adjacent to the appeal site, from my own observations on my site visit, the light-industrial character is not clearly apparent in the vicinity of the appeal site. Furthermore, the residential block opposite, though not a positive feature in the BCA, nods more towards a residential character with its domestic gardens and parking. There are further residential uses along Ashby Mews in the form of live/work units, but also dwellings including Ashby Cottage and Ashby House.
 9. Overall, the appeal site shares some of the positive features of the mews within the BCA, mainly in that it allows views of the rear elevations of the houses on Upper Brockley Road. However, due to its proximity to the busier Geoffrey Road and to the residential block opposite, as well as its absence of any significant verdant features, it does not have the same charm as some of the other mews in the BCA.
 10. The evidence before me indicates that the Council have previously approved a planning application for 'the demolition of the existing building and construction of two-storey live/work unit to the rear of 151 Upper Brockley Road, SE4¹'. The building in that proposal had the same external design as the appeal proposal, albeit as a live/work unit. The Council's primary concern is therefore focussed on the residential only use of the building in the current appeal, rather than its external appearance. My recommendation now turns to this matter.
 11. Whilst the proposed building would be in a residential only use, given that it would have the same external appearance as the live/work unit, the dwelling would have no discernible visual difference to that of the live/work unit. Due to its modest size, the activity arising from the dwelling would not be significantly different to that of a live/work unit and it would have no obvious functional difference. Moreover, it would not result in the loss of an existing light-industrial unit, and it would not erode the light-industrial and workshop character of Ashby Mews, especially given its location away from the main concentration of such uses. Furthermore, and importantly, the proposal would not erode any of the leafy and verdant features which contribute positively to the significance of the mews within the BCA.
 12. I acknowledge that the CA and SPD suggest that residential development is not supported on the mews except Harewood Mews. These documents refer to constraints which make such development in the mews undesirable, including the

¹ Application reference: DC/20/119716

absence of lighting and road surfacing, and that they cannot be serviced by modern refuse vehicles. Indeed, the Council's Officer Report states that residential proposals on the mews would result in parking, access, waste management and impact on existing uses. Whilst such concerns were raised informally, they did not form a reason for refusal. In any case, there is no indication of a requirement for changes to lighting and road surfacing on Ashby Mews. Furthermore, the Council's Officer Report confirms that waste could be collected from the residential block opposite the site.

13. I also acknowledge the Council's concerns that allowing the appeal could set a harmful precedent. However, by virtue of the site circumstances which I have set out, I find that the dwelling would be of such a modest scale and in a particular location that it would not harm the character and appearance of the BCA. If a future application is submitted for a similar proposal in the area, that would be assessed on its own individual merits. Whether or not such a proposal is deemed acceptable is a matter for a future decision maker and does not warrant the dismissal of the appeal in the circumstances.
14. With regards to the Chigwell Appeal Decision², the Inspector in that case found that the proposal would introduce intensified activity, including additional comings and goings, which would have fundamentally been at odds with the established environment at that site. However, the proposal before me is different as it would not result in intensified activities, including additional comings and goings. It would not therefore be at odds with the established environment as was found to be the case in that appeal decision.
15. I also acknowledge the *Kazalbash v Secretary of State for Levelling Up, Housing and Communities* Court of Appeal Decision³, which confirms that the impact of a development on character and appearance goes beyond visual aspects. However, given the modest scope of the appeal proposal, it would not amount to a change of use and function that would harmfully disrupt the established identity and pattern of the BCA.
16. I have also considered the Unit 1 Ashby Mews Appeal Decision⁴. However, that proposal is different as it was for the replacement of a light industrial use with a residential use. In that regard, I agree with the Inspector on that decision and with the Council generally that live/work units and commercial uses are important to the character of Ashby Mews. But the proposal before me does not take away any of those important features. Instead, the residential only proposal would simply make a small contribution to the evolving mixed-use character of the area.
17. Given the above, I conclude that the proposal would not harm the character and appearance of the BCA, and it would preserve the designated heritage asset. The proposal would comply with Policy HC1 of The London Plan (2021), Policies 15 and 16 of the Lewisham Core Strategy (2011) and Policies DMP33 and DMP36 of the Lewisham Development Management Local Plan (2014). Amongst other matters, these require that developments are of a high-quality design and should be sympathetic to designated heritage assets to ensure that the value and significance of such assets is maintained.

² Appeal reference: APP/J1535/W/22/3312966

³ Case No: CA-2022-001504

⁴ Appeal reference: APP/C5690/W/21/3287376

18. For the same reasons, the proposal would comply with the CA and the SPD, which amongst other matters, seek to preserve the character of the mews. It would also comply with the Small Sites Supplementary Planning Document which advises that proposals should align with the historical and architectural function of conservation areas. Furthermore, the proposal would satisfy the requirements of the Act, as well as Paragraph 212 of the National Planning Policy Framework, which requires that great weight is given to the conservation of designated heritage assets.

Other Matters

19. Whilst the Council did not refuse planning permission on such grounds, the scale of the building and its effect on privacy and light of neighbouring occupiers has been raised by third parties. From my own observations, the scale of the building would be subservient to the buildings on Upper Brockley Road and would be acceptable in the context. It would also be a considerable distance away from nearby dwellings and would contain no side facing windows. Accordingly, I agree with the Council that the proposal would not harm the privacy and light experienced at neighbouring properties.
20. Concerns were raised by third parties regarding the impact of construction works on neighbouring occupiers, albeit this includes reference to other developments as well as the appeal proposal. The small-scale nature of the development and the temporary nature of any construction impacts leads me to conclude that this would not be a reason to dismiss the appeal. Compliance with the previously approved Construction Management Plan would be sufficient mitigation.
21. Third party comments also state that the proposal would undermine the Brockley Cross employment hub which is very close to this end of Ashby Mews. However, there is no further information about Brockley Cross before me, and there is no detailed evidence of how the proposal would undermine it. I therefore give this limited weight.

Conditions

22. The standard time limit and approved plans conditions are necessary for reasons of certainty and clarity.
23. A condition requiring the details of the external materials is necessary in the interests of the character and appearance of the area.
24. Conditions to ensure that the refuse and cycle storage is installed prior to occupation are required to ensure the proposal meets the needs of its future occupiers.
25. A condition requiring the submission of details relating to the proposed air source heat pump is necessary in the interests of the living conditions of occupants of nearby residential properties.
26. A condition requiring that the development is carried out in accordance with the details stated in the previously approved Construction Management Plan is necessary in order to minimise disruption during the construction phase.
27. A condition to protect off-site trees is not necessary as there is limited detailed evidence before me that any trees would be directly affected by the proposal.

Furthermore, any off-site trees are likely to be on land outside of the appellant's control and therefore such a condition would not be enforceable.

28. Although they have not been formally requested, the Council's Officer Report and the consultee responses refer to conditions in relation to a noise mitigation strategy, non-road mobile machinery, a dust management plan and a soft landscaping strategy.
29. A noise mitigation strategy is not necessary as there is no detailed evidence before me that the proposal would be exposed to unacceptable noise levels, even accounting for the adjacent live/work unit.
30. A non-road mobile machinery condition is not necessary as there is no indication before me of the types of vehicles which would service the site, and accordingly the need for such a condition.
31. As the existing building has been demolished, and the proposed development is of a small scale, a dust management plan is not necessary.
32. A soft landscaping condition is not necessary as whilst there would be an outdoor amenity space to the rear of the dwelling, this would be small and enclosed to the extent that it is not necessary to secure the details of this.

Conclusion and Recommendation

33. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed since it would comply with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

A M Nilsson

INSPECTOR

Schedule 1: 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 drawing nos 155 001 Rev P06 (Location Plan), 155 011 Rev P06 (Proposed Site Plan), 155 012 (Proposed Lower Ground Floor), 155 013 (Proposed Upper Ground Floor), 155 014 Rev P06 (Proposed Roof Plan), 155 015 Rev P06 (Proposed Front Elevation), 155 016 Rev P06 (Proposed Rear Elevation), 155 017 (Proposed Section AA) and 155 018 (Proposed Section AA).
- 3) No development above ground level shall take place until details of all external facing materials have been submitted to and approved in writing by the local planning authority in writing. Such details shall comprise material schedules, detailed drawings and vertical and horizontal sections at an appropriate scale showing the location and application of each of the below material or feature and include:
 - i) External cladding;
 - ii) Parapets and roof junctions, including coping and fascia details;
 - iii) Window louvres, cills and reveals, (sections);
 - iv) Rainwater goods, including gutters and downpipes;
 - v) Residential entrances, including doors, surrounds, and reveals;
 - vi) External lighting fixtures and fittings, including placement and type;
 - vii) External vents, grilles, and flues, including integration with the façade;

The development shall be carried out in accordance with the approved details.

- 4) The dwelling shall not be occupied until the storage for refuse and recycling is provided and made available for use in full accordance with drawing nos. 155 012 and 155 015 Rev P06 and shall be retained thereafter for the lifetime of the development.
- 5) The dwelling shall not be occupied until the cycle parking facilities has been provided and made available for use in full accordance with drawing nos. 155 012 and 155 015 Rev P06 and shall be retained thereafter for the lifetime of the development.
- 6) Prior to the first operation of the air source heat pump (ASHP), the following details shall be submitted to and approved in writing by the local planning authority:
 - (i) Full details of the proposed location, make and model of the ASHP including distance to property boundaries and adjacent buildings (shown on scaled plans). The ASHP shall be certified in accordance with MCS 007 and shall also be installed by an MCS Contractor in accordance with MIS 3005.
 - (ii) A completed Table 2 in accordance with MCS 020: Planning standards for permitted development installations of wind turbines and air source heat pumps, or an equivalent standard, shall be submitted to demonstrate that the

level of noise emitted from the air source heat pump does not exceed 42 dB LAeq at any time when measured at the nearest noise-sensitive receptors.

(iii) If noise mitigation measures are required to meet the acceptable noise levels outlined in MCS 020, full details of such measures shall be provided.

Prior to the first operation of the ASHP, the ASHP shall be installed, and all approved noise mitigation measures as set out in part (a) shall be implemented in full and shall thereafter operate in full compliance with the approved mitigation measures for the lifetime of the development

- 7) The development shall be carried out in accordance with the details stated in the Construction Management Plan, written by Scott White and Hookins, Date: 13/01/22, Revision: 01.