



Appeal Decision

Site visit made on 4 November 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/C5690/D/25/3372652

19 Garlies Road, London, SE23 2RU

- 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 Kunle Awosemo against the decision of the London Borough of Lewisham.
 - The application Ref is DC/25/139993.
 - The development proposed is the construction of a detached office outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The development involves the erection of a prefabricated building to act as an office in the appellant's rear garden. The site is located within the Perryfield Conservation Area (CA). The Council is content, having regard to the proposal's secluded position, that the building's superstructure would have no harmful impact on the character or appearance of the CA. The Council's concerns are centred on the possible effect it would have on the trees growing in the appellant's rear garden and on adjoining land. As they lie within a CA, the trees are protected, and the Council considers that insufficient information has been presented to appropriately judge the proposal's effect on the trees.
3. In July 2025, shortly following the issuing of the Council's decision notice and before the submission of the appeal, the Lewisham Local Plan (LLP) was adopted. It follows that the policies contained within Lewisham's Core Strategy and Lewisham's Development Management Local Plan referred to in the Council's sole reason for refusal are no longer applicable. My decision will therefore be made having regard to the relevant policies of the London Plan (LP) and the newly adopted Lewisham Local Plan and any material consideration.

Main Issue

4. The main issue is the effect of the development on the future health and well-being of protected trees and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

5. The appellant sought pre-application advice of the Council. The response was reasonably positive, but the Council paid particular regard to the trees on the site, confirming that they were protected owing to the CA designation and that in any

future application the ‘...plans should show the relationship between the outbuilding and any existing trees, and if within the canopy there should be justification and mitigation so that these trees are not harmed.’

6. The appeal property is a detached dwelling, used as a care home, set within a predominantly residential area. The rear garden is reasonably compact with a lawn and patio areas. At the bottom of the garden are what remain of the trunks of three trees, otherwise the garden is free of any meaningful vegetation.
7. The outbuilding would be sited close to the boundaries shared with the next-door dwelling at 17 Garlies Road and 16 Allenby Road. Two mature, pollarded trees are apparent within 16 Allenby Road’s garden, sited very close to the site of the proposed office, whilst several less mature trees are sited within 17 Garlies Road’s garden close to the boundary.
8. Notwithstanding the pre-application advice and the thrust of the reason for refusal little or no information has been provided by the appellant to assist in determining the effect of the proposal on nearby trees. The only additional information of relevance provided at appeal stage is that the office would not involve any foundation excavation since the building would sit directly on wooden railway sleepers.
9. Judging from the plans, the outbuilding would be provided with electricity, a toilet, shower and wash hand basin. It seems to me therefore that excavations would almost inevitably become necessary. Nor has any apparent consideration been given to possible soil compaction arising from the weight of the outbuilding, which is unknown, and the effect of any such compaction on nearby trees, particularly their root systems.
10. In the absence of any additional meaningful information as to the possible effect on these protected trees which contribute positively to local amenity, I shall adopt a precautionary approach, in much the same way as the Council
11. I therefore conclude that in the absence of convincing information it has not been adequately demonstrated that the effect of the proposal on protected trees and the character or appearance of the CA would be acceptable. Accordingly, a clear conflict arises with those provisions of LLP policies H2 & GR5 and LP policy G7 designed to protect trees of value, particularly in conservation areas.

Other matters

12. All other matters raised in the representations have been considered, including the references to the *National Planning Policy Framework* and other development plan policies.
13. I have considered the representations made by a local resident at 16 Allenby Road whose rear garden boundary is common to that of the appeal property. I share the Council’s view, for the same reasons, that the proposed outbuilding, possible effect on trees apart, would have no material effect on their living conditions.

G Powys Jones

INSPECTOR