
Appeal Decision

Site visit made on 16 September 2025 by S Wilson LL.B. MSc MRTPI

Decision by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 19th November 2025

Appeal Ref: APP/C5690/D/25/3368264

53 Whitefoot Lane, Lewisham, Bromley BR1 5SA

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Virji Ladva against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/25/139093.
 - The development proposed is the construction of a single storey rear extension measuring 6m from original house rear wall. Eaves height of 3 meters and total height of 3.3 meters.
-

Decision

1. The appeal is dismissed.

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 decision notice includes references to the National Planning Policy Framework (the Framework), policies of the development plan and a supplementary planning document (SPD). The principle of development is established through the grant of permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), and I am required to assess the proposal as a prior approval application as set out within the parameters of the Order. Regard can be given to the Framework, the development plan policies, and the SPD insofar as they are material considerations, however they are not in themselves determinative.

Background and Main Issue

4. 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 Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations, restrictions, and conditions.
5. One such, for the purposes of the appeal, requires an assessment to be made as to the effect of a given scheme on the amenity of any adjoining premises, considering any representations received. An objection to the proposed development was received from the owner or occupier of an adjoining premises.

6. As such, the main issue is whether prior approval should be granted having regard to the effect of the proposed development on the living conditions of the occupiers of Nos 51 and 55 Whitefoot Lane, with particular regard to outlook.

Reasons for the Recommendation

7. The appeal property is a two storey mid terrace residential dwelling. There is an existing conservatory to the rear with a concrete hard stand area. An existing high-level fence separates the appeal property from the neighbouring gardens with several outbuildings extending along the boundary with No 55 from the rear of the property by approximately 9.5 metres (m). The rear elevation of the terrace is south facing with Nos 51 and 55 benefitting from open outlooks across their respective rear gardens.
8. The proposed extension would project 6m from the rear of the property. It would have a flat roof with eaves height at 3m and a maximum height of 3.3m. It would run along the boundaries of Nos 51 and 55 which are adjoining terraced properties.
9. Whilst the proposal would remove the existing outbuildings and not extend as far, when viewed from No 51 or No 55 a substantial portion of the proposed extension would be visible above the existing boundary treatment for its entire length of 6m. Although the eaves height complies with maximum height permitted under the Order, due to its length and height above the existing, as well as proximity to the rear ground floor fenestration of Nos 51 and 55, the proposal would appear dominant when viewed from the rear habitable rooms of Nos 51 and 55. The proposal would not alter private views towards the rear gardens of Nos 51 and 55, nevertheless, due to its position and overall scale, it would have an enclosing effect, ultimately harming the open outlook from Nos 51 and 55.
10. Whilst No 55 has some outbuildings along the shared boundary these are set back from the rear elevation with a notably shorter height than that of the proposed rear extension. As such, the existence of the outbuildings at No 55, would do little to mitigate the extra height and proximity to fenestration of the proposed development.
11. The rear elevations are south facing and there would be no adverse loss of light. However, this would be a neutral effect and would not weigh in favour of the development. Materials used in construction would match the existing; however, this would not overcome the harm identified to outlook above.
12. I therefore conclude that the proposed development would have an unacceptable impact on living conditions of the occupiers of Nos 51 and 55 Whitefoot Lane, with particular regard to outlook. Insofar as they are material considerations, the proposal would fail to accord with Policy 15 of the Lewisham Local Development Framework Core Strategy (June 2011) and Policy 31 of the Lewisham Local Development Framework Development Management Local Plan (November 2014) which together seek to ensure that development is of a high quality design that does not result in a significant loss of amenity. There would also be conflict with the Framework where it requires development to create places with a high standard of amenity for existing users.
13. Similarly, the proposal would fail to accord with the Alterations and Extensions SPD (November 2019) which states extensions should not result in a harmful sense of enclosure or have an overbearing or dominant impact.

Other Matters

14. I acknowledge the Appellant's frustrations with the Council's communication and the way in which it managed the planning application and that initial discussions with the neighbours were positive. However, in this regard such matters do not impact on the planning merits of the proposal and consequently are not matters that are for my consideration in relation to this appeal.
15. I have considered the circumstances of the appellants and their family in this instance and recognise that the development would allow them to future proof their home. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 (the Act), which sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
16. The Act sets out the relevant protected characteristics which includes age. However, it does not follow from the PSED that the appeal should succeed, and I am also mindful that personal circumstances and ownership of the land can change, but the effect of the development would be permanent. Informed by the evidence before me, in my view the adverse effects of dismissing the scheme on those with protected characteristics would be proportionate having regard to the harm identified to the living conditions of neighbouring occupants.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Allen

INSPECTOR