



Appeal Decision

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

Decision by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/C5690/D/25/3369879

31 St. Mildreds Road, Lewisham, London SE12 0RD

- 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 Circle Field Associates Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/25/140445.
 - The development proposed is Application for Prior Approval under Schedule 2, Part 1, Class A, Part (g) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the construction of a single storey rear extension at a depth of 4.00m, an eaves height of 2.30m and a maximum height of 3.30m to 31 St Mildreds Road SE12.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Application for Prior Approval under Schedule 2, Part 1, Class A, Part (g) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the construction of a single storey rear extension at a depth of 4.00m, an eaves height of 2.30m and a maximum height of 3.30m to 31 St Mildreds Road SE12 at 31 St. Mildreds Road, London SE12 0RD in accordance with the application DC/25/140445 and the details submitted with it including plan Nos: A-2, A-3, A-4, pursuant to Article 3(1) and Schedule 2, Part 1, Class A.

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. In the banner heading above, I have used the description of development to reflect that as provided within the Council's decision notice, as it more accurately and succinctly describes the proposal.
4. As part of the appeal, the Appellant has confirmed the width of the original dwellinghouse. Although this information was not included with the original submission, it has not changed the proposed development in any way. The Council were given the opportunity to comment on this clarification. As the information is directly relevant in the consideration of an application of this nature and has not

changed the proposed development in any way, I have considered the appeal having regard to submitted evidence.

5. 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 and conditions.
6. 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) to Part 1, 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.
7. The principle of the development is established by the Order, and the provisions therein do not require regard be had to the development plan.

Main Issue

8. The main issues in the appeal are:
 - Whether the proposed development satisfies the requirements of the Town & Country (General Permitted Development) (England) Order 2015 with regard to being permitted development under the above Order.
 - And if so, whether planning permission is deemed to have been granted.

Reasons for the Recommendation

9. The appeal property is a two-storey semi-detached residential dwelling. The original rear wall of the property has a projecting double storey out-rigger that extends from the ground floor level. There is also a rear bay window that projects from ground floor level. From the evidence before me and my own observations on my site visit, these features appear to be original features and this is not disputed. The Permitted development rights for householders - Technical Guidance (MHCLG 2019) identifies a side elevation will be any wall that cannot be identified as being a front wall or a rear wall. Therefore, these projections, as a matter of fact and degree, form part of the side elevation of the property.
10. Paragraph A.1(j) of Class A of the Order outlines that development is not permitted by Class A if, amongst other things, the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.
11. The proposal extension would extend beyond a wall forming a side elevation and would be 4m in width, whilst the dwelling house has a rear width of 8.5m. As such the proposal would comply with paragraph A.1(j) of the Order.
12. The proposal would extend 4.6m beyond the rear wall of the original dwellinghouse and as such would exceed the limits in paragraph A.1 (f) of the Order. However, the proposal would comply with paragraph A.1(g) of the Order.

13. The proposal extension would be 1m from the boundary of the dwellinghouse, 3.3m at its highest point falling to 2.3m at its eaves. Paragraph A.1(i) of the Order sets out that permitted development is not allowed if the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres. Technical Guidance (MHCLG 2019) identifies that for the purpose of measuring height, the eaves of a house are the point where the lowest point of a roof slope, or a flat roof, meets the outside wall. Given the eaves height is 2.3m then the proposal would comply with paragraph A.1(i) of the Order.
14. Having regard to paragraph A.3 of the Order, and given the amount of glazing proposed, I have taken the proposal to constitute a conservatory and as such the proposal is not required to match the original dwelling materials in the construction of external surfaces.
15. I note that the Council consulted neighbouring properties and that there were no objections.
16. I therefore conclude that the proposed development satisfies the requirements 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 with regard to being permitted development under the above Order and that planning permission has been deemed to be granted.

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 allowed.

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 allowed.

C McDonagh

INSPECTOR