



Appeal Decision

Site visit made on 9 December 2025

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 07 January 2026

Appeal Ref: APP/A5840/C/24/3337227

32 Meeting House Lane, LONDON, SE15 2UN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by BSE3.7 LTD against an enforcement notice issued by the Council of the London Borough of Southwark.
 - The notice was issued on 4 December 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a single storey rear extension within the rear garden shown for indication purposes only outlined and hatched in green on Map 2 attached to this Notice ("the Unauthorised Development").
 - The requirements of the notice are: 5.1. Permanently remove and demolish the single storey rear extension, including all foundations and hardstanding; 5.2. Permanently remove all materials and debris from the site to facilitate the above requirement; 5.3. Restore the Land back to its original condition before the Unauthorised Development took place.
 - The period for compliance with the requirements is: Twelve (12) months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

2. The appellant originally made a ground (d) appeal but this was withdrawn. While it was apparent at my site visit that much of the structure attacked by the notice had been demolished, the notice requires demolition to include all foundations and hardstanding. Since the notice does not appear to have been fully complied with, I will proceed to assess the ground (a) appeal in respect of the rear extension.

The appeal on ground (a) and the deemed planning application (DPA)

Preliminary Matters

3. The revised National Planning Policy Framework 2024 ('Revised Framework') came into force during the course of the appeal. The revisions made have not had a direct bearing on the issues which are central to these appeals.
4. During the course of the appeal, the Council adopted the Householder Development Supplementary Planning Document (July 2025) (SPD). The main parties were provided with an opportunity to comment on the relevance of the SPD to this appeal and I have taken the comments received into account in my determination.

Main Issues

5. The main issues are: the effect on the character and appearance of the area; the effect on the living conditions of the occupants of the appeal property; and the effect on the living conditions of neighbouring occupants.

Reasons

Character and appearance

6. The appeal property is a terraced dwelling which is finished in yellow brick. The rear extension attacked by the notice was primarily constructed of blocks with a small strip of brick along the top of the walls.
7. The use of breeze blocks was a stark contrast to the traditional brick finish of the house and represented a poor quality finish within the rear garden environment. The appellant indicated though a willingness to accept a condition requiring a different external finish and this would in my view overcome the harm identified.
8. As such, if appropriately conditioned, the character and appearance of the area would be preserved and there would be no conflict with Policies P14 and P15 of the Southwark Plan 2022 related to ensuring high standards of design. I share the appellant's view that Policy D4 of the London Plan 2021 is not directly relevant.

Living conditions – occupants of appeal property

9. Prior to the construction of the rear extension, the appeal property had a modest-sized garden which was adequate to provide play space along with sitting out and clothes drying facilities. As regards new dwellings, the Fact Box associated with Policy P15 of the Southwark Plan indicates that houses must provide min of 50sqm private garden space of at least 10m in length. The rear extension significantly reduced the size of the host property's rear garden, contrary to paragraph 3.5.2 of the SPD that 'Rear extensions must also not take up more than 50% of the total rear garden space at your home' and meaning that the remaining space was no longer adequate to serve the stated uses usually made of rear gardens.
10. The appellant contends that there is no adopted policy for the minimum garden area following an extension and that the resultant garden area complies with Policy D6 of the London Plan which stipulates 5sqm for a 1-2 person dwelling, along with 1sqm for each additional occupant. However, the garden area stipulation in Policy D6 is only applicable 'where there are no higher local standards in borough development plan documents'. Comment is made that family-sized flats often have access only to communal garden space or to a small balcony or terrace and that other houses in the area have small gardens. However, the appeal dwelling is not a flat and so different considerations apply and other small gardens do not justify the inadequate garden space in this case.
11. It is contended that a house with a larger kitchen and smaller garden can meet with the needs of occupiers who have no desire or need for a larger garden. It seems though that the extension was used as an additional bedroom and so, rather than increasing living space, it likely increased the demands upon the extremely limited garden space.
12. I find then that the rear extension had a harmful effect on the living conditions of the occupants of the appeal property, conflicting with the aims of Policies P15 and P56

related to affording adequate living conditions to residential occupants and preventing unacceptable losses of amenity for present occupiers.

Living conditions – neighbouring occupants

13. The extension projected more than four metres beyond the rear elevation of the appeal property. It was sited very close to the side boundaries with Nos 30 and 34 Meeting House Lane. Its height, projection and proximity to these boundaries means that it significantly reduced the levels of natural light reaching rear ground floor windows of the neighbouring properties.
14. Accordingly, the extension had a harmful effect on the living conditions of neighbouring occupants contrary to the aims of Policies P14, P15, P18 and P56 of the Southwark Plan related to protecting amenities of residents and ensuring that new development does not unreasonably compromise legitimate activities on neighbouring sites.

Other Matters

15. The appellant highlights local and national policy encouraging development of under-utilised land, encouraging incremental densification of land and promoting more intensive use of land by reference to the Revised Framework, Policies D3 and GG2 of the London Plan and Policy P18 of the Southwark Plan. This offers very little weight in favour of the appeal development as I have no detailed evidence that the garden was underutilised and since these objectives are not encouraged at the expense of residential living conditions.

Conclusion on ground (a) and the DPA

16. The appeal development if appropriately conditioned would not result in harm to the character and appearance of the area but adversely affected the living conditions of the occupants of the appeal property and of neighbouring properties. It therefore conflicted with the development plan as a whole and no material considerations indicate a decision other than in accordance with the plan. The ground (a) appeal fails and planning permission will be refused in respect to the DPA.

Overall conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

V Bond

INSPECTOR