



Appeal Decision

Site visit made on 13 January 2026

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/A5840/D/25/3374892

15 Frankfurt Road, Southwark, London SE24 9NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Soegianto against the decision of the Council of the London Borough of Southwark.
- The application Ref is 25/AP/2035.
- The application sought planning permission for erection of a rear roof extension over outrigger without complying with conditions attached to planning permission Ref 21/AP/3356, dated 19 November 2021.
- The conditions in dispute are nos 1 and 4 which state that:
 - (1) *The development shall be carried out in accordance with the following approved plans: 17B Proposed 3D Plan; 18B Proposed 3D Plan; 19B Proposed 3D Plan; 21A Proposed Ground Floor Plan; 22A Proposed Ground Floor Plan; 23A Proposed First Floor Plan; 24B Proposed Second Floor Plan; 25B Proposed Roof Plan; 27B Proposed Side Elevation Plan; 28B Proposed Rear Elevation Plan; 29B Proposed Section 1 Plan; 30B Proposed Section 2 Plan; 31B Proposed Party Wall Section Plan; 32B Proposed 3D View Plan.*
 - (4) *The windows on the side elevation of the proposed rear dormer shall be obscure glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing.*
- The reasons given for the conditions are:
 - (1) *For the avoidance of doubt and in the interests of proper planning.*
 - (4) *In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at from undue overlooking in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policy D4 (Delivering good design) of the London Plan (2021); Strategic Policy 13 (High Environmental Standards) of the Core Strategy (2011); and Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan (2007).*

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Soegianto against the decision of the Council of the London Borough of Southwark. This application is the subject of a separate decision.

Preliminary Matters

3. Construction of the approved rear roof extension has been completed¹. Condition no 1 of the original planning permission specified approved drawings, and condition no 4 requires the windows at the side elevation of the roof extension be

¹ LPA ref: 21/AP/3356

obscure glazed. The proposal seeks to reduce the extent of obscure glazing and therefore the proposal would, in effect, modify conditions nos 1 and 4.

Main Issue

4. Having regard to the above, the main issue is the effect of varying the conditions on the living conditions of the occupants of nos 17A and 17B Frankfurt Road, with particular regard to privacy.

Reasons

5. The appeal property is a three-storey mid-terrace dwelling, within a row of dwellings at Frankfurt Road arranged in compact, rectangular plots with a uniform layout. A similar terrace row at Danecroft Road backs onto the modest rear gardens of the Frankfurt Road dwellings. Rooflights and rear dormers are prevalent in the area, suggesting many surrounding dwellings have similarly been converted and extended to provide a storey of living accommodation within the roof. The appeal property is therefore typical of dwellings in the area, which are tall with a high-density layout that affords views across neighbouring gardens and to the rear elevation of dwellings. Therefore, a degree of overlooking is characteristic of development in this urban area.
6. Policy P56 of The Southwark Plan 2022 seeks to prevent unacceptable loss of amenity. The policy sets out relevant considerations, including the privacy and outlook of occupiers of both existing and proposed homes, and actual or sense of overlooking or enclosure. The policy contains no specific design standards. The effects of a development on privacy are therefore a matter of planning judgement.
7. The adjoining building to the southeast is of similar form and appearance to the appeal property but comprises two flats, with no 17A at the ground floor and no 17B at the first and second floors. The rear elevation of nos 17A & B includes windows at each of its three storeys. Whilst I have not been provided full details of the layout, written representations indicate these windows serve habitable rooms.
8. In addition, no 17A has a small, rear garden. This is overlooked by rear-facing windows at no 17B. The garden is also visible from the appeal property's rear-facing windows at an oblique angle when looking to the side of the outrigger. Due to the density of development, the garden would also be visible in more distant and indirect views from other dwellings at Frankfurt Road and Danecroft Road, and thus experiences existing overlooking.
9. The appeal property's roof extension has both rear-facing and side-facing windows, which meet to form a corner window. The side elevation windows are oriented toward the shared boundary and nos 17A & B's outrigger. However, the side-facing windows are fitted with obscuring film which wholly prevents outlook.
10. The proposal seeks to reduce by 50% the area of obscure-glazing at the side-facing section of the corner window. The diagram at figure 4 of the Planning Statement illustrates the field of view which would be available from the corner window, which would span the rear garden and outrigger of nos 17A & B.
11. However, the indicative viewpoint is set back from the glazing with the effect of truncating the viewing angle from the corner window. Photographs from the vantage point of the neighbour's window suggest there would be a direct line of sight between the corner window and nos 17A & B's rear elevation windows which,

together with the short separation distance, would create opportunities for overlooking of nos 17A & B's rear-facing rooms.

12. The appellant asserts that views toward existing windows would require a person position themselves in a way that would not amount to usual behaviour. However, there is unencumbered access to the window, and I have no mechanism to control how the space would be used or laid out with furniture, such as seating. Therefore, I cannot be certain that overlooking would not normally occur.
13. As discussed, no 17A's garden is visible from existing dwellings, including the appeal property and from flat no 17B, above. However, whilst the garden experiences existing overlooking, it does not automatically follow that new opportunities for overlooking are without harm. The proposal would provide a clear-glazed window oriented directly toward the garden and close to the shared boundary. The proposal would therefore create additional opportunities for overlooking which would further erode the privacy of users of the garden.
14. Furthermore, due to its position and proximity to the shared boundary, the corner window would appear prominent from the rear windows and garden at nos 17A & B. Removal of a section of obscure glazing would therefore create a perception of being overlooked for nos 17A & B's occupants.
15. The appellant has drawn my attention to a scheme at 10 Frankfurt Road for rear roof extension works and rooflights². The assessment in the delegated report concludes the proposal would not result in any additional overlooking or loss of privacy to a greater extent than its existing windows. The assessment makes no reference to the presence of any side-facing windows, and therefore the scheme does not appear comparable to the appeal proposal.
16. For the reasons set out above, the proposed variation of conditions would reduce the extent of obscured glazing from the corner window. This would introduce new opportunities for overlooking of rear windows and the garden at neighbouring dwellings, nos 17A & B. Even acknowledging that a degree of overlooking is typical in the area, the proposal would unacceptably increase both actual overlooking and a sense of overlooking, resulting in a noticeable and harmful loss of privacy for nos 17A & B's occupants. Consequently, the proposal would harm the living conditions of the occupants of nos 17A and 17B Frankfurt Road.
17. The proposal would conflict with Policy P56 of The Southwark Plan 2022 which indicates that development which causes an unacceptable loss of amenity to present or future occupiers or users should not be permitted.

Conclusion

18. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR

² LPA ref: 16/AP/4759