
Appeal Decision

Site visit made on 16 December 2025 by Isabelle Ingledew BSc (Hons)

Decision by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/C5690/D/25/3374666

149A Devonshire Road, Lewisham, London SE23 3LZ

- 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 J Zefi c/o Hollybrook against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/25/140233.
 - The development proposed is rear extension and new window to existing dwellinghouse.
-

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 application was submitted retrospectively. From my site visit I saw that the rear extension included within this application has been constructed. The appeal has therefore been considered on this retrospective basis.
4. It has been brought to my attention that an enforcement notice was issued against the rear extension in its current form. I have not been provided with any additional information regarding the enforcement notice, and it is not the purpose of this appeal to determine the lawfulness of the existing extension.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupiers of 1 Tysons Garden, with particular regard to outlook.

Reasons for the Recommendation

6. The appeal property is a detached dwelling with a long rear garden. The rear building line of Devonshire Road is not consistent, with the appeal property largely in line to its neighbouring properties to the south, whilst set further forward to those to the north. Where 149 Devonshire Road has a similarly long rear garden, 1 Tysons Garden's garden is much smaller in comparison. Due to 1 Tyson Garden's set back, the outlook from the garden and rear facing windows would already have been somewhat restricted by the appeal property. However, as the depth of the appeal property did not extend across the depth of the garden, some outlook would

have been maintained. Fencing and vegetation along the shared boundary provide some screening, and although 1 Tysons Garden sits slightly higher than the appeal property, this difference is marginal.

7. The first-floor rear extension to the appeal property extends along almost the entire depth of the garden of 1 Tysons Garden, with only small set back from the boundary. Despite the marginal elevation differences, the height of the rear extension near to the boundary introduces a substantial vertical bulk of built form. Whilst vegetation has some screening effect, the development significantly exceeds in height this boundary treatment and contributes to a confined and oppressive feel and a reduced outlook from the garden and rear kitchen window of 1 Tysons Garden.
8. The appeal site benefits from planning permission¹ for a rear extension, wherein the first-floor and roof extension along the boundary line with 1 Tysons Garden is set back, mitigating the sense of enclosure. Although only a small addition, the current development erodes the spaciousness previously afforded, creates a sense of enclosure, and therefore exacerbates the harm to 1 Tysons Garden's outlook.
9. For the reasons above, I conclude the development results in harm to the outlook of 1 Tysons Garden. The development is therefore in conflict with Policy QD9 of the Lewisham Local Plan (Adopted July 2025), the guidance contained within the Alterations and Extensions Supplementary Planning Document (Adopted April 2019), and the National Planning Policy Framework which, amongst other things, seek to ensure development provides acceptable living conditions for neighbouring properties in regard to outlook.

Conclusion and Recommendation

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

Isabelle Ingledew

APPEAL PLANNING OFFICER

Inspector's Decision

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

Tamsin Law

INSPECTOR

¹ DC/25/139377 – granted 07/05/2025