



Appeal Decision

Site visit made on 18 February 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/C5690/W/24/3347100

24 Bargery Road, Catford, Lewisham, London, SE6 2LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Avraham Friedman against the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/133301.
 - The development proposed is described as 'the erection of a rear extension and addition of velux windows on the roof'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear extension at 24 Bargery Road, Catford, Lewisham, SE6 2LN in accordance with the terms of the application, Ref DC/23/133301, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: E00, P01 Rev B, P02 Rev C, P03 Rev C, P04 Rev B, P05 Rev-B and P06 Rev B dated 15/4/24.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Applications for costs

2. An application for costs has been made against the London Borough of Lewisham. This is the subject of a separate decision.

Preliminary Matters

3. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
4. During my visit, I noted that a rear extension was being built, but it does not accord with the one detailed in this appeal. This is because the extension has been built with breeze blocks rather than bricks and the openings in the rear elevation differ

to those on the submitted plans. The proposed nature of the appeal scheme is also evident in the application form, as the appellant has indicated that work on the proposal has not yet started. In addition, the layout and use of the property do not correlate with the plans submitted, which denote two flats when the site is currently used as a House in Multiple Occupation (HMO). I have made my assessment strictly on the basis of the plans detailing the proposed extension and the details in the application form before me.

5. The application form refers to the property address as 24 Bargery Road and the appeal form details 24a Bargery Road. The appellant has clarified that the correct address is 24 Bargery Road and this is reflected in the above decision.
6. The appeal submission included two sets of plans. The parties were asked to confirm if the latest set of drawings i.e. those dated the 15/4/24 are those that should be considered in the determination of this appeal. Given that the drawings were received during the application process and the Council and interested parties have had the opportunity to comment on them, accepting them would not lead to procedural unfairness. I have therefore determined the appeal on the latest set of drawings, which remove the proposed rooflights and roof extension. As a result, the description of development detailed in the decision above has been amended to reflect the agreed removal of the rooflights and roof extension. This set of drawings includes a plan of a timber refuse and recycling enclosure, but this drawing does not relate to the proposed extension and therefore it will not be considered in the determination of this appeal.

Background and Main Issues

7. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The Council in their submission refer to the description of development and unauthorised HMO use needing to be addressed before a decision could be issued. The statement does not address considerations arising from the proposed development. However, the policies submitted with the questionnaire indicate that the main issues would be:
 - Whether the development would preserve or enhance the character and appearance of the Culverley Green Conservation Area (CA); and;
 - the effect of the development on the living conditions of the occupants of 26 Bargery Road in respect of outlook and daylight.

Reasons

Character and Appearance

8. Bargery Road is predominantly characterised by semi-detached brick-built dwellings. Many of the properties are Edwardian with uniform features such as projecting gables containing double height bays, sash windows and outriggers to the rear. A number of properties have single storey rear extensions including the neighbouring properties to the appeal site.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the conservation area is partially derived from the strong cohesive identity of Edwardian development.

The appeal site being an Edwardian Villa with original architectural features positively contributes to the character and appearance of the CA.

10. The proposed extension would be built in bricks to match the existing dwelling and would create a single ground floor rear building line. The depth of the proposed extension would be comparable to the single storey rear extension at the adjoining property No.22 and would respect the local pattern of development. In addition, the extension would appear secondary to the host dwelling due to its modest height and simple design. The proposed development would therefore respect the form and architectural details of the original building and preserve the character and appearance of the CA.
11. For the reasons above the proposed development would preserve the character and appearance of the CA. It would therefore be compliant with policies CS15 and CS16 of the Lewisham Core Strategy¹ and policies DM30, DM31 and DM36 of the Lewisham Development Management Local Plan (LDMP).² These policies seek high quality design which protects and conserves the historic environment. The development also complies with the Framework where it requires consideration to be given to the impact of a proposal on the significance of a designated heritage asset, and great weight to be given to the asset's conservation.

Living Conditions

12. The appeal site is separated from No.26 by the side accesses serving No 22 and 24 with a close boarded fence demarcating the boundary. No 26 has bifold doors in the rear elevation which extend across the rear of the property.
13. The proposed rear extension would extend slightly beyond the rear elevation of No 26. However, due to the separation distances between properties and the modest depth of the proposed extension beyond the building line of No 26, views of it from the neighbouring property would be limited and oblique. Whilst the extension would be noticeable from the garden of No 26, it would not negatively inhibit the outlook from No 26.
14. The proposed extension would not extend significantly beyond the rear of No 26 and would have a flat roof, so that any effect on daylight at No 26 would be acceptably minimal. Furthermore, No 26 has bifold doors that extend the width of the rear elevation, allowing for the admittance of ample daylight to the rear of the property. Thus, it is unlikely that there would be a harmful loss of daylight to No 26
15. For the reasons above the proposed development would have an acceptable impact on the living conditions of the occupants of 26 Bargery Road in respect of outlook and daylight. It would therefore be compliant with policy DM31 of the LDMP insofar as it requires proposals to respect the amenity of adjoining properties and their back gardens.

Other Matters

16. Reference has been made to the use of the property, plans to add more units, the quality of accommodation provided, conduct of tenants and concerns have been raised regarding the maintenance of the building. Whilst this information is noted,

¹ Adopted June 2011

² Adopted 26 November 2014

these are not matters before me as the appeal relates solely to the erection of a rear extension.

17. Whilst a rear extension has been erected before obtaining planning permission, for the reasons set out in paragraph four above, the extension as built does not reflect the appeal scheme. As a result, the comments regarding the quality of work and brickwork would be a matter for the Council to consider as they do not relate to the proposed development.
18. The Council refer to Flat B not having access to the rear garden, but the appeal does not relate to the use or internal layout of the property, as such this is not a matter for the determination of this appeal.

Conditions

19. I have had regard to the Council's suggested conditions and the six tests. In addition to the standard time condition, a condition to list the approved plans in the interest of certainty is required.
20. A condition is also required to control the external finish of the development, to ensure high quality design and to preserve the character and appearance of the CA. This condition accords with the materials proposed on the application form.
21. Furthermore, a condition restricting the use of the flat roof of the extension is required to protect the privacy of adjoining properties. The Council's suggested condition required a restriction on openings in the rear elevation of the property. Given that it is the use of the roof of the rear extension that would lead to privacy issues, it would not be reasonable to additionally restrict openings in the rear elevation.

Conclusion

22. For the reasons given above the appeal should be allowed.

V Goldberg

INSPECTOR