
Appeal Decision

Site visit made on 19 September 2016

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2016

Appeal Ref: APP/C5690/W/16/3153963

305 Marvels Lane, Grove Park, London SE12 9PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Horrell, JT Build against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/095194, dated 18 January 2016, was refused by notice dated 25 May 2016.
 - The development proposed was originally described as development of block comprising 5no. 1-bedroom apartments.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has provided with the appeal submission additional drawings numbered 225/102 A and 225/106 A which show revised arrangements for bin storage and cycle parking. I do not consider that the plans change the nature of the application and if I were so minded to allow the appeal, such changes could be sought by means of a planning condition. Consequently, my consideration of the appeal on this basis would not give rise to the prejudice of the interests of interested persons.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the development would provide adequate living conditions for future residents with particular reference to outlook, daylight and provision of private amenity space and the effect of the proposal on the living conditions of neighbours in respect of any overbearing effects; and
 - The provision of external storage space for cycles.

Reasons

Character and appearance

4. The appeal site fronts Dunkery Road and is situated between the rear gardens of 305 and 305A Marvels Lane and 1A Dunkery Road. I saw at my site visit that the character of the area is residential and that there is some uniformity in
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the design and layout of dwellings which are predominantly two storey terraced or semi-detached houses of traditional designs. The houses in the area are laid out in regular narrow plots with relatively long rear gardens, with consistent building lines. I also saw at my site visit that occasional later developments have occurred in the area including at 305A Marvels Lane and 1A and 60 Dunkery Road.

5. The appeal site has a relatively broad frontage and shallow depth when compared with dwellings in the surrounding area. The proposed building would occupy most of the site area, extending close to the site boundaries with no private amenity space provided to the rear. Consequently, the proposed building would not reflect the surrounding urban typology.
6. The proposed building would be set down below the level of the adjacent highway and include three storeys, with the height of its flat roof at the same height of the neighbouring 1A Dunkery Road. Whilst I saw at my site visit that there are flat roofs evident on a number of nearby buildings, I do not consider them to be typical of the area and given the scale of the building proposed, the use of flat roofs does not diminish its bulk. Consequently, the proposed building would present a broad frontage to Dunkery Road. Whilst the building has been designed with a degree of articulation, is partly set below street level, narrows and is set back at shoulder level, it would nevertheless, present a significant mass to the street scene in terms of its width within the plot, relatively close position to the footway and depth of its flank walls. The contrast between the brickwork and fenestration proposed would not alleviate the massing effect of the building. Although it is stated that the building has been aligned with No 305A, it would stand considerably to the front of the neighbouring No 1A and the established building line on Dunkery Road. Consequently, I consider that the proposed building would be incongruous within the established street scene.
7. I have considered the appellants comments regarding the quality of the urban environment of the area. In terms of the contemporary design of the proposed building, whilst the proposed balconies and lightwells are not typical of the area, I do not consider them harmful in principle in this situation and they do add some interest to the building.
8. I have taken into account that the proposal has sought a bespoke scheme for the site and that the site is not situated within a backland location through having a street frontage. However, I do not agree that the proposed building, due to its excessive scale and massing would be appropriate, nor that it is compatible with the wider area. Whilst there have been infill developments in the wider area, these have followed the established pattern of development in terms of siting. I conclude therefore that the appeal scheme would harm the character and appearance of the area.
9. The proposal is contrary to Lewisham Local Development Framework Core Strategy 2011 (Core Strategy) Policy 15 which is concerned with high quality design. It is also contrary to Lewisham Local Development Framework Development Management Local Plan (Local Plan) Policy DM30 which is concerned with urban design and local character and includes that development proposals will need to be compatible with and/or complement urban typologies. It also conflicts with Local Plan Policy DM33 which is concerned with development on infill sites, backland sites, back gardens and amenity areas

and includes that development should make a high quality positive contribution to an area.

Living conditions

10. The proposed building would occupy a significant proportion of the appeal site and would be in close proximity to the boundaries with the rear gardens of Nos 305 and 305A Marvels Lane to one side and 303 Marvels Lane to the rear and 1A Dunkery Road to the other side. I note that the proposed building is set at 45 degrees from No 1A and has been designed to meet separation distances.
11. In respect of Nos 305 and 305A, the proposed building would present a significant area of stepped three storey flank wall across most of the width of their back gardens and would be sited relatively close to their rear projecting conservatories. Consequently, whilst there may be intervening outbuildings, the proposed development would nevertheless give rise to harmful overbearing effects for the occupiers of Nos 305 and 305A.
12. The appellant has provided a daylight and sunlight report in respect of the proposed dwellings, which concludes that the proposed development would achieve adequate daylight and sunlight levels for future occupants. This report has not been challenged. However, in this regard, due to the orientation of the proposed building in relation to neighbouring gardens, its height and positioning close to the site boundaries, I consider that the proposed development would give rise to shadowing of neighbouring gardens at certain times of the day.
13. In respect of the ground floor and upper ground floor flats, the bedrooms would be provided with high level windows only. The living rooms of the lower ground floor flats, whilst provided with 2.4 metres deep patios in lightwells to the front, would be substantially below street level, with the balconies of the upper ground floor flats above. Consequently, these rooms would be provided with poor outlooks.
14. Each flat would be provided with an area of outdoor amenity space. That for the lower ground floor flats would be situated within the lightwells with balconies above and would not consequently provide high quality amenity space. Additionally, all of the proposed amenity space would be situated close to the footway and would not be private. The balcony for the proposed first floor flat has a small floor area and whilst I note the comment that it meets the minimum depth, its usefulness as an outdoor space is questionable due to its small size. I note that there are public open spaces available in the area, but that does not mitigate the inadequacy of the specific amenity space provision proposed.
15. The proposed development would not provide adequate living conditions for future residents in respect of outlook and provision of private amenity space and would give rise to harm to the living conditions of neighbours due to overbearing effects. The proposal is contrary to Core Strategy Policy 15 which is concerned with high quality design. It is also contrary to Local Plan Policy DM32 which includes that the Council expects all new residential development to be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours and Local Plan Policy DM33 which is concerned with development on infill sites, backland sites, back gardens and amenity areas which includes that development results in no

loss of amenity to adjacent houses and gardens. Additionally, the proposal conflicts with Policy 3.5 of the London Plan March 2016 which is concerned with the quality and design of housing developments. The proposal also does not accord with the National Planning Policy Framework (the Framework) which in paragraph 17 includes that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Cycle storage

16. The London Plan states in Policy 6.9 that developments should provide secure, integrated, convenient and accessible cycle parking facilities and sets out in table 6.3 that cycle parking should be provided as a minimum of 1 space per 1 bedroom dwelling. The additional plans provided with the appeal show the provision of 4 Sheffield Stands to the front of the building to provide 5 spaces. This would meet the minimum cycle parking requirement of the London Plan and if I were minded to allow the appeal, the provision of cycle parking could be the subject of a planning condition. Consequently, I consider that the appeal proposal would comply with London Plan Policy 6.9 in this regard.

Other matters

17. I have considered that the appeal proposal would provide housing in a location which has a PTAL rating of 2 and that the site is not at risk of flooding. I have also considered the comments regarding the sustainability of the site, the use of land and in respect of car ownership. I have also taken into account that the proposal would give rise to economic benefits during construction and support the local economy. These matters however do not lead me to a different conclusion.
18. The appellant has commented regarding appeal decisions being upheld elsewhere where the need for housing was found to outweigh harm, but I have not been provided with any specific cases to consider. I have also considered the developments cited by the appellant at Maidstone and Sittingbourne and comments regarding development at a similar density being allowed elsewhere, but have been provided with few details. In any event, given the harm found, I do not consider that such developments should necessarily provide an example of what should be followed in this case.
19. I have considered the comments regarding the national need for housing, that the London Plan is seeking to increase housing supply and that the proposal could save the need for greenfield development in a less sustainable location. I have also taken into account the sustainable development and design policies and core planning principles of the Framework cited by the appellant, but given the harm found, I do not consider that the proposal constitutes sustainable development for which the Framework has a presumption.

Conclusion

20. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR