
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: 11 October 2016

Appeal Ref: APP/C5690/W/16/3154704
31 Dacres Road, London SE23 2NS

- 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 Medlake Homes against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/15/092092, dated 5 May 2015, was refused by notice dated 10 June 2016.
 - The development proposed is demolition of existing dwelling and construction of a block of 9 no. apartments.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and construction of a block of 9 no. apartments at 31 Dacres Road, London SE23 2NS in accordance with the terms of the application, Ref DC/15/092092, dated 5 May 2015, subject to the attached schedule of conditions.

Procedural matters

2. During the course of the planning application, the appellant provided an updated application form which gives the site address as 31 and 31a Dacres Road. I have however used the site address as given in the original application and appeal form. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form, it is stated that the description of development has not changed, but nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application in my decision above.
3. The appellant has submitted revised site plans with the appeal numbered 2473-04 rev D and 2473-05 rev B which show a reduced car park area with six car parking spaces, and an enlarged area of amenity space. There has been an opportunity for these plans to be commented upon and I do not consider that the plans substantially change the nature of the proposal. If I were to be minded to allow the appeal, such a change 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

4. The main issues for the appeal are:
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- The effect of the proposed development on the provision of family housing and housing choice in the area;
- The effect of the proposed development on the character and appearance of the area; and
- Whether the proposed car park provision is satisfactory in respect of sustainable development policies and in terms of the living conditions of the future occupiers of the development.

Reasons

Provision of family housing and housing choice

5. Lewisham Local Development Framework Development Plan Document Core Strategy 2011 (Core Strategy) Policy 1 is concerned with housing provision, mix and affordability. It includes that development should result in no net loss of housing and defines family housing as having 3 or more bedrooms. Core Strategy Objective 3 is concerned with local housing need and includes that a mix of dwelling sizes and types, including family housing will be provided in Lewisham. Lewisham Local Development Framework Development Management Local Plan 2014 (Local Plan) DM Policy 2 is concerned with the prevention of loss of existing housing. London Plan March 2016 Policy 3.8 is concerned with housing choice and includes that new development offers a range of housing choices taking account of the housing requirements of different groups.
6. The Council has stated that the 2009 Lewisham Strategic Housing Market Assessment (SHMA) and the 2014 South-Eastern London SHMA identify a shortage of family housing in Lewisham, with about 60% of the housing stock being either a one or two bedroom properties and has referred to need for three bedroom plus units.
7. The evidence before me is that 31 Dacres Road is occupied as two flats, with two and three bedroom respectively, although I note that the Council has questioned the lawfulness of the flats. However, the proposal would give rise to the loss to one property which could be considered as being a 'family home'. The development plan policies cited by the Council do not specifically resist the loss of such properties and whilst the Council has referred to a shortage of such properties, I have been provided with very limited information in this regard. Consequently, whilst the proposal would lead to the loss of a 3 bedroom unit, there would be a significant net increase in the numbers of dwellings at the site, contributing towards the provision of housing in the area and the objectives of the Core Strategy. The loss of a single 'family home' would have a minimal effect upon the supply of such homes in the area, whilst the net increase in housing provision would be more significant. To conclude on this matter, I consider that the proposal accords with Core Strategy Policy 1, Local Plan Policy DM Policy 2 and Policy 3.8 of the London Plan in this regard.

Character and appearance

8. The appeal site is occupied by a large detached building, No 31 Dacres Road. To one side is situated a four storey block of flats, with a flat roof, whilst to the other is a three storey building 'Merrydown' which has a pitched roof and a linear emphasis on Dacres Road. Opposite are situated further three storey flats. Whilst the surrounding area is predominantly residential in character, I

noted at my site visit the variety in building types and ages on Dacres Road, including detached villas, semi-detached properties, terraced dwellings and blocks of flats.

9. I have considered the evidence regarding the contribution that No 31 makes to the area and to the history of Forest Hill, and the comments that it should be retained. Whilst I noted during my site visit that externally No 31 retains a number of original features, including its fenestration, hipped roof and large chimneys, I did observe that it has had a number of significant alterations over time, which detract from its character. I note that the building is not subject to any historic environment designation and I have been provided with little evidence regarding its significance as a non-designated heritage asset. In this regard, I note the comment in the Council Officer's report that it is not considered worthy of local listing. Consequently, I consider that the building in its present condition makes a neutral contribution to the area and its demolition would not be harmful to the character and appearance of the area.
10. The proposed building would present a linear form to the street scene and in this regard would not be out of keeping with the buildings to each side and opposite. Whilst the proposed building would occupy a greater width of the site than No 31, I consider that it would be set in from the boundaries to either side sufficiently to maintain adequate gaps with its neighbours in the street scene. In terms of its overall height, the proposed building would exceed that of its neighbours, but the effect upon the street scene would be lessened by the stepping of the roof and the articulation in the front projections. In terms of its overall scale and massing, it would not appear dominant in the context of its neighbours.
11. I have considered the comments by the Council regarding the neighbouring buildings and that policy has changed since they were developed, but consider that the proposed building of a contemporary design would add interest to the street scene and I do not consider it to be unsympathetic to its local context nor over bulky. I consider that the proposed development would not give rise to harm to the character and appearance of the area. The proposal therefore does not conflict with the Local Plan DM Policy 30 which is concerned with achieving a high standard of urban design and maintaining local character and Core Strategy Policy 15 which is concerned with achieving high quality design.

Car parking provision

12. London Plan Policy 6.13 sets out maximum residential parking standards, with the provision for 1-2 bed units to be less than 1 parking space per unit. The appeal site is situated about 500 metres from Forest Hill Overground Station and has a PTAL rating of 3. The proposal as considered by the Council included the provision of 9 car parking spaces, accessed from the public highway via an existing access, with much of the land to the rear of the proposed building occupied by a parking area. The amended plans received during the appeal show the provision of six parking spaces, below the maximum standards set out in the London Plan, an enlarged garden space and increases in the separation distances between the car park area and neighbouring dwellings. Consequently, I am satisfied that the additional plans demonstrate that the provision of fewer car parking spaces and improvements in hard and soft landscaping could be satisfactorily addressed, which could be secured by way of a planning condition were I minded to allow the appeal to the benefit of

future occupiers and neighbours. The issue of cycle parking could similarly be the subject of a planning condition.

13. The proposal therefore would not conflict with London Plan Policy 6.13, Local Plan DM Policy 29 which is concerned with car parking, DM Policy 30 which is concerned with urban design and local character including a criterion regarding layout, access arrangements and car parking, DM Policy 32 which is concerned with housing design, layout and space standards including provision of usable external space and Core Strategy Policy 14 which is concerned with sustainable movement and transport.

Other matters

14. I have taken into consideration the comments by the interested person regarding the effects of the proposed development on the living conditions of neighbours. Given the proposed siting of the building in relation to its neighbours and the separation distances achieved between it and neighbouring properties to the rear, I do not consider that significant harm would arise in respect of privacy, noise or loss of light. In respect of the effects of the proposal upon trees, I have considered the submitted arboricultural report and consider that if I were minded to allow the appeal, this matter could be dealt with by way of a planning condition in respect of landscaping.

Conditions

15. I have reviewed the conditions suggested by the Council against the Framework and PPG and have revised, simplified and combined some of those suggested in the interests of clarity and to accord with national policy and guidance. I have specified conditions in regards to timescale and set out the approved plans as this provides certainty. I have required a construction method statement and applied conditions in respect of measures to identify and address any contamination on the site in the interests of the living conditions of neighbours and to prevent pollution. I have specified conditions regarding the external materials and boundary treatments for the proposed development and hard and soft landscaping in the interests of the character and appearance of the area. I have included within the conditions provision for a maximum of 6 car parking spaces and the provision of cycle parking in the interests of sustainable transport. I have included a condition preventing the use of the flat roofs as amenity areas to safeguard living conditions.
16. I have not included conditions in respect of energy and water efficiency and accessibility as these matters are covered by other legislation. On the balance of evidence, I do not consider it reasonable to require the provision of living roofs. Given the separation distance between the proposed development and its neighbours and the existing fenestration on neighbouring buildings, I do not consider it necessary to specify obscure glazing for windows in the flank walls.

Conclusion

17. For the reasons given above and having considered all matters raised, I consider that the appeal should be allowed.

Philip Lewis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2473-01; 2473-02; 2473-03; 2473-04 rev D; 2473-05 rev B; 2473-06; 2473-07; 2473-08 rev A; 2473-09 rev A; 2473-10 rev A; 2473-11; 2473-12 rev A; 2473-13; 2473-14 rev A; 2473-15 and 2473-16.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) measures to control the emission of dust and dirt during demolition works and construction;
 - ii) wheel washing facilities;
 - iii) Details of best practical measures to be employed to mitigate noise and vibration arising out of the demolition and construction processes.
 - iv) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - a) Rationalise travel and traffic routes to and from the site.
 - b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - c) Measures to deal with safe pedestrian movement.
 - v) Site security management;
 - vi) Details of the training of site operatives to follow the Construction Management Plan requirements;
 - vii) Delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the demolition/construction periods for the development.
- 4) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the local planning authority.
 - iii) The required remediation scheme implemented in full.

The development shall not be occupied until a closure report has been submitted to and approved in writing by the local planning authority.

This shall include verification of all measures, or treatments as required and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the local planning authority.

- 5) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the local planning authority shall be notified immediately and the terms of condition 4, shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of condition 4 have been complied with in relation to the new contamination.
- 6) No development shall commence on site until a detailed schedule and specification of all external materials and finishes to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No dwelling shall be occupied until space has been laid out within the site for 18 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 8) Notwithstanding the details shown on plans 2473-04 rev D and 2473-05 rev B, no development shall commence above ground level on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority. The submitted details shall show the provision of a maximum of six car parking spaces which shall be laid out and made available before the first dwelling is occupied. All hard landscaping works which form part of the approved scheme shall be completed prior to occupation of the development and maintained thereafter.
- 9) A scheme of soft landscaping (including details of trees or hedges to be retained, measures for tree protection during demolition and construction works, proposed plant numbers, species, location and size of trees and tree pits and the provision for bird nesting boxes) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 10) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works. The approved boundary treatments shall be implemented prior to first occupation of the buildings and retained thereafter.
- 11) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.