

Appeal Decision

Site visit made on 26 September 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/C5690/W/16/3151839

1 Brockley Cross, Lewisham, London SE4 2AB

- 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 Paul Tuck against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/15/094863, dated 16 December 2015, was refused by notice dated 7 June 2016.
 - The development proposed is the demolition of existing car lot and vacant buildings. The erection of a part two storey, part three storey building to contain 3 x one bedroom and 1 x two bedroom flats with commercial ground floor unit.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing car lot and vacant buildings. The erection of a part two storey, part three storey building to contain 3 x one bedroom and 1 x two bedroom flats with commercial ground floor unit at 1 Brockley Cross, Lewisham, London SE4 2AB in accordance with the terms of the application, Ref DC/15/094863, dated 16 December 2015 subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Brockley Conservation Area.

Reasons

3. The appeal site comprises an open car sales yard, within which lies a small flat-roofed office building, attached to which is a disused shop unit with a similar flat roofed profile. The site and buildings directly adjoin 1 Geoffrey Road, a two storey residential property. Together with a pair of semi-detached dwellings located to the east of 1 Geoffrey Road, these buildings and the appeal site form a distinct island, enclosed on three sides by Geoffrey Road and Upper Brockley Road and, at its tip, by Malpas Road.
 4. Within this island, the appeal site forms a distinct promontory at the convergence of these roads, its perimeter is marked by a high level, frame-mounted sign at a height broadly comparable with the shop front and office fascia of the existing buildings within the appeal site. The existing dwelling at 1 Geoffrey Road is visible in views from the west, behind and above the appeal site, beyond which a backdrop of mature roadside and garden trees is revealed, framed by the larger dwellings and diverging alignments of Upper Brockley Road and Geoffrey Road.
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5. The character of the surrounding area is predominantly residential, particularly along Geoffrey Road to the south of the appeal site, and along Upper Brockley Road to the north and northeast, where two storey, and two storey-plus-basement residential terraces prevail. However, the area just beyond the appeal site, around the junctions of Malpas Road, Geoffrey Road, Upper Brockley Road, Shardeloes Road and Endwell Road is more commercially focused at ground floor level. Here, the buildings are larger, of three and, in the case of those on the northern side of Upper Brockley Road and Malpas Road, four storeys.
6. The appeal site, and surrounding residential areas in Geoffrey Road and Upper Brockley Road are on the eastern edge of the Brockley Conservation Area. The predominantly commercial properties, described above, located around the junction of Shardeloes Road, Endwell Road and Malpas Road lie just beyond the Conservation Area boundary. By virtue of the appeal site's position within the Conservation Area, I am statutorily required, by s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
7. The single storey buildings within the appeal site are at odds with the predominantly two storey terraced form of the surrounding residential streets, and the larger-still commercial buildings. They also lack the quality of detailing typical of the area and identified in the Council's Brockley Conservation Area Supplementary Planning Document (the SPD), and highlighted in the appellant's Heritage Statement. Although I note that the Council consider the existing buildings within, and the use of, the appeal site to have a neutral impact on the character of the Conservation Area, I am more inclined in this respect to agree with the Inspector who dealt with a previous appeal¹ on this site. The appeal site forecourt, with its transient appearance and somewhat unattractive high-level perimeter fascia sign, therefore contributes negatively to the overall character and appearance of this prominent entrance site into the Conservation Area.
8. The proposal would result in the demolition of the existing flat roofed buildings, and the removal of the car sales use, the principle of which I note that the Council (subject to consideration of detailed design matters) accept. In considering the previous appeal, the Inspector there concluded that the appeal site's "unique island position" provided scope for a contemporary design approach that differed in detail from the surrounding properties.
9. Whilst the current proposal differs from that previously considered at appeal by that Inspector, I agree that the site provides distinct opportunities due to its somewhat unusual setting and context. The main focal point of the proposed scheme would undoubtedly be its cylindrical, three storey element situated at the western tip of the site. Whilst I saw nothing during my site visit that would lead me to disagree with the Council's view that this would be at odds with the area in terms of its form, it would, in a contemporary manner, nonetheless provide an appropriate response to the layout and built form of the surrounding area.
10. As described above, the appeal site lies within an island setting and the western tip of the site forms a something of a promontory. Although the site is

¹ APP/C5609/A/14/22324091

currently squared off and truncated at its western end, this element of the building would, I find, reflect the general curvature and alignment of the junction of Geoffrey Road and Malpas Road / Upper Brockley Road, and respond to multiple street frontages at this point.

11. Views into, and towards, the Conservation Area from the west are framed on either side in the foreground by substantial three and four storey buildings. Although only two storeys in height, the elevated ground floor with basement below arrangement of residential properties along the southern side of Geoffrey Road, means that these are also substantial properties. These larger buildings also provide a corresponding backdrop to views towards the appeal site, but outwards from within the Conservation Area. Whilst it would be of a greater scale than that of 1 Geoffrey Road, and considerably greater than the buildings and open forecourt currently found within the appeal site, I did not feel from my observations or experiences of the area that that scale would be out of context in this setting.
12. A distinctive feature of the view eastwards into the Conservation Area from Brockley Cross is the extent of greenery evident around and beyond the appeal site. Although the appeal site itself is devoid of trees and other vegetation, the substantial trees within the garden plots of 1 Geoffrey Road and the other residential properties within the island, join up with the roadside trees along both Geoffrey Road and Upper Brockley Road. I found these to provide a pleasingly verdant backdrop to the appeal site that also serve to draw the eye from the negative presence of the existing flat roofed buildings and use of the site towards these areas beyond.
13. Whilst the proposed building would undoubtedly affect views into the Conservation Area from Brockley Cross, it would not obscure them. From Brockley Cross, looking towards the appeal site, the green and pleasant backdrop would remain largely visible. Whilst the proposed development would obscure from view the flank elevation of 1 Geoffrey Road, and oblique views of its front elevation, the existing site and buildings are currently a negative foreground influence on these existing views, and their removal would improve the views more generally into the Conservation Area from this point.
14. In terms of its scale within the wider setting of Brockley Cross therefore, the three storey cylindrical element of the proposal would be of a scale comparable with the larger commercial properties on Malpas Road and Upper Brockley Road. The two storey element behind would relate positively in terms of its scale to the existing building at 1 Geoffrey Road. The scale of the building would not therefore be dominating, or conspicuously out of scale with the surrounding buildings, nor would it harmfully or adversely affect longer views of, towards, and up, the receding terraces within the Conservation Area.
15. The Council describe the rear, two storey, element of the proposed building as an "unconvincing pastiche", but have not elaborated further. They note, as I do, that the scale of this element of the proposed building would generally reflect that of the adjoining house (1 Geoffrey Road). Furthermore, the proposal would also draw on the proportions, rhythm and repetition of the window openings on that building. By employing those factors on the elevations facing Geoffrey Road and Upper Brockley Road, the proposal would draw on features evident, not just on the adjoining property at 1 Geoffrey

Road, but indeed on many other properties within this part of the Conservation Area and the surrounding area.

16. The removal of the existing single storey buildings from the site, which currently have a negative impact on the character and appearance of this part of the Conservation Area, would be a benefit, especially in terms of views into the Conservation Area from beyond. The island nature of the area within which the appeal site lies, and its position at the tip of that island, provide the scope for the contemporary design approach adopted in this instance. Whilst perhaps not reflective of the urban typologies found within the wider Conservation Area, the proposal would successfully respond to the multiple road frontages that its island tip location creates in a manner that would blend elements of the contemporary with elements found within, and typical of, the Conservation Area.
17. Thus, for the reasons set out, I find that the proposal would achieve the high standard of design sought by Policy DM30 of the Lewisham Development Management Local Plan (2014, the DMLP) and London Plan policy 7.6. For the same reasons, the proposal would also enhance the character and appearance of the Brockley Conservation Area and there would therefore be no conflict with DMLP Policy DM30, Core Strategy Policy 15 and London Plan policy 7.8 in this respect. Together, these policies seek to ensure a high standard of site specific design response to existing townscape, urban form and the special characteristics of an area, be compatible with or complement the relevant urban typologies found in Lewisham and enhance local distinctiveness.

Other Matters

18. I have been referred other buildings within the Borough, including those at the Brockley Barge on Brockley Road and 180 Brockley Road. However, I do not have the full details of those buildings or proposals before me and so I cannot determine whether they stand direct comparison with the appeal proposal. I have, however, considered the proposal before me on its merits.
19. Local residents object to the proposal on a wider basis, including possible alternative retail or leisure uses of the commercial ground floor, that the proposal would create parking stress, that the building would obscure views and block natural light from adjacent buildings, the loss of two shop units and that the proposal would create noise, traffic and mess during the construction phase. However, these matters did not form part of the Council's reasons for refusal, and I am satisfied that the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would result in a level of harm which would justify the dismissal of the appeal.

Conditions

20. Although the Council have not put forward suggestions for conditions in the event that the appeal should succeed, I note that the Council's officer report makes passing reference to the possible imposition of conditions to address particular matters. I have therefore considered potential conditions in light of the Framework and Planning Practice Guidance.
21. In addition to a time limit condition, a condition setting out the approved plans is required in the interests of certainty. I also find that a condition is required so that the external materials to be used in the development hereby allowed

are submitted to and approved by the Council before the development begins. Similarly, conditions requiring the details of the boundary treatments, hard and soft landscaping, to include details of refuse storage and cycle parking provision and the photovoltaic panels indicated on the roof of the building are necessary in the interests of the character and appearance of the area, encouraging access by alternative modes of transport, and encouraging alternative sources of energy generation, respectively.

22. The Council have suggested that conditions be imposed to require the submission of a commercial strategy for the commercial unit at basement, ground and first floor levels. It is stated that such an approach would be in line with the Council's policies which seek to protect employment uses. However, I have not been directed to those policies, and nor have I been provided with justification for any such a condition. I have not therefore imposed a condition to this effect.
23. Regarding the efficiency of electrical, gas and water fittings, I have had regard to the Written Ministerial Statement of March 2015 and the Housing – Optional Technical Standards. However, I have not been directed to policies regarding such matters or provided with justification for a condition relating to water efficiency. I have not therefore imposed a condition regarding this matter.

Conclusion

24. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

Attached – Schedule of Conditions

SCHEDULE OF 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 the following approved plans: Location Map; (00)01; (00)02; (11)01; (11)02; (11)03; (11)04; (11)05 and (11)06.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing material and details of the size, location and appearance of refuse storage provision, and the amount, location and type of cycle storage provision. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development hereby approved.
- 6) No development shall take place until full details of the roof mounted photovoltaic panels shown on drawing reference (11)02 have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in complete accordance with the agreed details.