

Appeal Decision

Site visit made on 8 November 2016

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 16th November 2016

Appeal Ref: APP/C5690/D/16/3156481

1 Catling Close, London SE23 2NU

- 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 Adrian Matthews against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096025 was refused by notice dated 14 June 2016.
 - The development proposed is to erect a single storey detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the proposed works given on the application form largely concerns the merits of the scheme. I have therefore used that part which describes the proposal itself in the heading above. I shall however have regard to the arguments advanced in favour of the scheme in my reasoning below.

Main issue

3. The main issue in this appeal is the effect on the character and appearance of the locality.

Reasons

4. The appeal concerns a rectangular area of land adjacent to the street in Catling Close on the opposite side to the terraced properties which include that at no. 1. The site is part of a wider strip of land between the curtilage of the building at 62 Dacres Road and the street in Catling Close.
 5. The overall area contains a significant amount of vegetation, including fairly large trees, as well as shrubs. I saw at my site visit that the part where the new building would be constructed did not have any shrubs or trees and there was a concrete base. I do not know the status of this but the area, as with the rest of the overall space, does not have any buildings within it.
 6. The latter attribute gives a sense of spaciousness and visual relief from the relatively dense development on the opposite side of the road and the fairly large detached building at 62 Dacres Road. The vegetation has a softening effect and the overall space contributes positively to the visual amenity of the
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locality despite not being used for any particular purpose and not being subject to any specific designation.

7. The new building would have a wildflower meadow roof and the walls covered with larch cladding, which could match the fencing at no. 62 Dacres Road. Reference is also made to the possibility of climbing plants over the front of the building, which could also be painted olive green, with vegetation in planters at the rear. It is suggested that these matters could be secured by the use of conditions. The development would not infringe any building lines in Dacres Road.
8. However, despite the above matters the proposal would involve the somewhat incongruous introduction of a building into the area of open space where there currently is none. The building would have a height of about 2.5m and a width parallel to the street of over 5m, as well as being particularly close to the carriageway. In these circumstances, the new building would appear visually intrusive and disrupt the spaciousness of the overall space, detracting from its appearance. It would not therefore provide an appropriate transition from the building at no. 62 Dacres Road to those in Catling Close. It is accepted that the building itself would be of a high quality design. However, in the context described it would result in an unacceptably detrimental impact.
9. I saw at the site visit that the existing vegetation would not screen the building and also consider that the proposed materials would not prevent it being readily seen. This would be the case because of its proximity to the street as well as size. It is acknowledged that Catling Close is a private road and does not have any through traffic. However, the adverse effect would be readily apparent to all those entering the cul de sac, as well as in views from Dacres Road at the junction with Catling Close, despite the existing vegetation. The streetscape would therefore be detrimentally affected.
10. The Appellant refers to a number of buildings and features in the locality. These include the block of garages in Catling Close, which are on the opposite side of the street from the open space. The electricity sub-station and an extension to the side at 62 Dacres Road, as well as the fence opposite this site, are also identified. However, none of these are located within the area of open space running along Catling Close and do not therefore justify accepting a development that would have such a detrimental effect on this feature.
11. It is suggested that the development would prevent tall tree growth and therefore light loss and safety issues at the adjacent dwellings. However, it is only possible to speculate as to what the effect of any trees would be if they did grow and it may be that any adverse impact could be prevented by appropriate tree management anyway. This argument would not be a sound basis for accepting the proposal.
12. It is suggested that the garage would restrict the visibility of existing buildings when looking from Dacres Road with the streetscene being improved. However, given the height and flat roof form of the new building any restriction of visibility would be likely to be relatively limited and the existing buildings are not unsightly anyway. This matter is not therefore a significant consideration.
13. As a result of these factors, it is concluded that the character and appearance of the locality would be harmed. There would be conflict with the intention of Development Management Local Plan, DM Policy 30 that there should be a

positive relationship with the townscape. Because it would not be sensitive to the local context and respond to local character the scheme would be contrary to Core Strategy Policy 15. DM Policy 31 is not relevant in this case as it is concerned with extensions and alterations to existing buildings rather than outbuildings. The development would be at odds with the core planning principle of the National Planning Policy Framework, which indicates that planning should always seek to take account of the character of different areas.

14. There is no technical evidence to support the claim that the development would result in the structural integrity of the close being enhanced by stabilising the ground and that this is necessarily dependent on the proposed development. The application seeks to address a refusal of planning permission for a previous scheme and local residents express support for the proposal. However, these matters do not, in themselves, confer acceptability and I have considered the proposal on its own merits.
15. There would be no harm to the residential amenity of the occupiers of adjacent dwellings. However, mere acceptability in this regard does not weigh positively in favour of the proposal. Concerns have been expressed by local residents regarding fly tipping but I saw no significant evidence of this at my site visit. It also seems likely to me that building on the appeal site would not prevent such problems occurring on the rest of the open space and it may be that this could be addressed in other ways, such as by CCTV.
16. The submitted plans show that the new building would enable the removal of the storage building in the back garden of the host dwelling, therefore increasing its area by nearly 50%. The Appellant also refers to Policy DM 32 which is said, in relation to new housing, to require sufficient space for storage. It is also suggested that the development would supplement limited storage space within the host dwelling.
17. While there would be some benefit to the quality of the accommodation from the additional outside space, the overall size of the new building would be fairly similar to that to be removed from the back garden. However, I consider that the additional garden space would be achieved at the undue expense of the character and appearance of the locality, given the detrimental impact in relation to the open space.
18. Taking account of all other matters raised, I conclude that there is no other consideration, including the encouragement of wildlife due to the planted roof, that would be sufficient to justify accepting the development. Due to the harm that would result and conflict with the development plan it is determined that the appeal fails. I reach this decision regardless of the Council's concerns over precedent.

M Evans

INSPECTOR