

## Appeal Decision

Site visit made on 7 November 2016

**by D J Board BSc (Hons) MA MRTPI**

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

**Decision date: 30 November 2016**

---

**Appeal Ref: APP/C5690/W/16/3157146**

**222 Verdant Lane, London, Lewisham, SE6 1TN**

- 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 Suresh Thiyaraja against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/16/095033, dated 3 January 2016, was refused by notice dated 25 April 2016.
  - The development proposed is demolition of derelict garages and form 1x2 bedroom house and modification of extending A1 shop and flat at first floor level.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and whether it would provide appropriate living conditions for future occupiers, with particular regard to outlook, daylight and sunlight.

### Reasons

#### *Character and appearance*

3. The site is located at the corner of Verdant Lane and Hazelbank Road within a mixed urban area. The new dwelling would be located next to the existing terraces of properties. Whilst not defined by an 'urban typology' within the Council's policies on both roads the groups of dwellings front the road and have strong hip roof forms and bay window features with garden areas to the rear. No 222 has been extended to the side and has a group of single storey flat roof garages. It is these garages that are to be removed.
4. The existing garages are subservient in form to the main building. By contrast the new dwelling would involve the construction of a two storey building. Due to the constraints of the site the footprint of the new dwelling would be wide and shallow and at ground floor an irregular shape. As a result the roof form of the building would be made up of a number of different elements. These would not appear coherent. They would clash with the simple roof forms of the surrounding dwellings. As a result the new building would appear incongruous. In particular it would be unduly prominent when approaching from the north and west along Verdant Lane.
5. I note that the proposal would represent infill of an existing site, extend the retail space and could be constructed from materials that would be compatible in the street scene. However, for the reasons given above I cannot agree that

the proposal would create a subordinate building, visual interest or represent an enhancement.

6. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be in conflict with Core Strategy Policy 15 and Development Management Local Plan (DMLP) policies DM30 and DM33 which amongst other things seek high quality design and require new development to relate successfully to and be sensitive to the existing design quality of the streetscape and be compatible with the scale and character of existing development and its setting. It would also conflict with the National Planning Policy Framework (The Framework) which attaches great importance to the design of the built environment.

#### *Living conditions of future occupiers*

7. Due to the site constraints the new dwelling would be single aspect. The windows at ground and first floor would face onto the areas that the plans indicate would be used for parking and a garden. The appellant submits that DMLP policy 32 does not rule out single aspect dwellings. However, it does require new development to meet requirements for design, layout and space standards. In this regard The Council's refusal raises two issues, provision of adequate light and outlook.
8. I note that the new dwelling would meet space standards and that its windows would be well proportioned. Further, each of the main habitable rooms would have an opening. The unit would not be deep therefore it is probable that these openings would provide sufficient daylight and sunlight. The only room without an opening would be the bathroom. Overall this would not in itself be sufficient to resist the proposal.
9. Turning to outlook. All of the openings would face toward the hardstanding and new 'turf' area shown on the plans. Whilst it would be of a reasonable size, in order to make the area shown as 'turf' private and usable a boundary treatment would be necessary. This would be directly in front of at least one of the ground floor windows. I appreciate that the cemetery is across the road. However, it would be some distance from the windows of the new dwelling. Overall, the poor environment would be compounded by the location adjacent to a busy road, in particular the area at the front. Overall, for these reasons, the outlook from the new dwelling would not be pleasant.
10. I therefore conclude that the dwelling would not provide suitable living conditions for future occupiers, having particular regard to outlook. Therefore it would conflict with policies DM32 and DM33 of the DMLP. The proposal would also conflict with a core principle of the Framework that seeks a high quality design and good standard of amenity for all existing and future occupants of land and buildings.

#### *Other matters*

11. I appreciate that the scheme would provide a unit that would contribute to the local stock of dwellings in an area that is generally suitable for new housing. However, none of these matters alter my conclusions on the determining issues in the appeal.

#### **Conclusion**

12. Whilst I have found that there would not be harm to the living conditions of future occupiers with regard to daylight and sunlight this does not outweigh the

harm identified to living conditions for future occupiers with regard to outlook and the harm identified to character and appearance. Therefore for the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

*D J Board*

INSPECTOR