
Appeal Decision

Site visit made on 10 October 2016

by David Cliff BA Hons MSc MRTPI

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

Decision date: 22nd December 2016

Appeal Ref: APP/C5690/W/16/3151827

107 Honor Oak Park, London SE23 3LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Paul Tuck against the Council of the London Borough of Lewisham.
 - The application Ref DC/15/094908, is dated 20 December 2015.
 - The development proposed is described in the application form as the erection of four contemporary town houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. From my consideration of the evidence before me, including the Council's appeal statement, I consider the main issues to be the effect of the proposed development upon:
 - i) The effect upon the character and appearance of the area,
 - ii) The effect upon highway safety,
 - iii) Whether the proposed development would provide for an appropriate standard of residential accommodation for future residents,
 - iv) Whether the proposal would safeguard the living conditions of the occupiers of neighbouring properties, with particular regard to outlook, overlooking, noise and disturbance, and
 - v) The effect of the proposals upon wildlife.

Reasons

Character and appearance

3. The appeal site is located on open land between the substantially sized existing residential properties fronting onto Honour Oak Park and the three storey apartment buildings adjacent to its rear boundary. There are several trees on the appeal site and, whilst not being prominent from roads in the vicinity, the general openness and attractiveness of the appeal site in combination with adjacent garden areas, provides a visual quality when viewed from

- neighbouring properties, making a valuable contribution to the overall character and appearance of the area.
4. Located to the rear of existing properties, although the two storey form of Plot 1 would sit comfortably within its surroundings, the design of the three other proposed dwellings at three storeys in height would appear as unacceptably incongruous and visually intrusive. The impact would be exacerbated by the narrow separation distance between Plots 2 and 3, which would lead to an almost continuous block of development, at odds with its open setting adjacent to other rear gardens. These two proposed dwellings would also be located in fairly close proximity to the rear of the site, extenuating the impact and dominance of their three storey form when viewed from the neighbouring apartments which are at a lower ground level to the rear.
 5. I acknowledge that the second floor elements would be set back from the first two floors along with the appellant's landscaping proposals, but I do not consider that this would satisfactorily alleviate the impacts of the proposals, particularly when viewed from the front and the rear. I also note the appellant's view that the sloping form of the site will negate the impact of the three storey development when viewed from the front. Whilst I agree that this is a relevant factor, I do not consider it to be so sufficient to outweigh the harm arising from the appearance of the proposals within this setting to the rear of existing properties. I also appreciate that the second storey element has been designed to be an integral part of the architecture. However, as is shown by Plot 1, which is a two storey dwelling, this is not essential to the architectural acceptability of the scheme, particularly in the particular context of this site.
 6. The existing trees at the site make a valuable contribution to the overall character and appearance of the area. The appellant has submitted a copy of a unilateral undertaking relating to trees, but it is not complete and has not been signed or dated. I have therefore not given it any weight in my considerations. The arboricultural assessment information submitted relates to a previous proposal with a different layout. Whilst most of the notable trees appear to be capable of being retained, without arboricultural information (including suitable protection measures) relating to the current layout, it is not possible for me to comprehensively assess the effects upon all trees, including those shown to be retained but which are in close proximity to houses or hardstandings. In the absence of arboricultural information that correctly relates to the current scheme, I am not persuaded that planning conditions would be appropriate as suggested by the appellant. Give the significance of the existing trees to the character and appearance of the area, this weighs against the scheme.
 7. My attention has been drawn to the recent development for two houses at 97 Honor Oak Park. However, it appears that the scale of those dwellings are less substantial than the current appeal proposals which I have considered on their own merits taking into account of the particular circumstances of this site and the scheme's design.
 8. I conclude on this issue that the proposed development would result in unacceptable harm to the character and appearance of the area, contrary to the relevant design aims of policy 15 of the Core Strategy (June 2011), DM Policies 25, 30, 32 and 33 of the Development Management Local Plan 2014 and the National Planning Policy Framework (the Framework).

Highway Safety

9. The Council raises objection to the restricted visibility leading to highway safety issues. The site layout plan '(11)02' before me shows the proposed vehicular access to be positioned between two trees broadly to the front of 107 Honor Oak Park. I note however, that the position of the proposed access on this drawing appears to be outside of the red edged application site boundary. A different site layout is indicated in the appellant's statement with separate exits and entrances shown, though again the exit on this drawing is outside of the red edged application site boundary. As land subject to the access proposals, is located outside of the red edged boundary, it has not clear how the provision of such access would be secured, irrespective of the separate issue of its acceptability.
10. The appellant refers to agreement with Lewisham Highways Officers that the existing access would be adequate on the basis of the number of additional vehicles being restricted to four and that the existing tree on the front boundary could be replaced at a ratio of 2/1 to improve the visibility splay (though it is not clear which tree is referred to in this regard nor where any replacement trees would be provided). No documented evidence has been provided regarding this agreement.
11. Although the speed limit along Honor Oak Park is 20mph, at my site visit I noted that the visibility to the north when exiting the site would be restricted by the curve in the road and also an existing pier which is not shown to be removed on the proposed site layout plan. Car parking on the same side of the road immediately to the south of the site would also restrict visibility in this direction, making exiting the site more difficult. As a result, cars would be likely to need to advance into the road in order to properly check for on-coming traffic in either direction. Although the additional number of traffic movements would be restricted by there being only four proposed dwellings and whilst an existing access is already in use for the existing properties, from the information before I cannot be satisfied that the proposal would not result in a severe highway safety risk.
12. On this basis, from the evidence before me, the proposal would not accord with the highway safety aims of policy DM Policy 32 of the Development Management Local Plan and the Framework.

Living conditions

13. Plots 2 and 3 would be located in fairly close proximity to the rear boundary of the site and would be located at a higher ground level than the existing apartment building on Boveney Road adjacent to this boundary. However, notwithstanding my separate concerns regarding character and appearance, the principal elevations of the neighbouring apartment building do not directly face these two proposed houses and the separation distance between the respective buildings would be sufficient to prevent any unacceptable impacts on the living conditions of the occupiers of the Boveney Road apartments in respect of outlook.
14. In respect of Plot 4, the distance of this proposed house from the apartment building at 109 Honor Oak Park, along with the presence of the existing trees on the adjacent boundary would also ensure that no unacceptable impacts

result upon neighbouring living conditions in respect of either privacy or outlook.

15. Concerns have been raised by the Council and neighbouring residents that the position of the proposed access road would lead to increased noise and disturbance for the occupiers of the adjacent properties. The principal habitable room windows in adjacent apartments at 105 and 107 Honor Oak Park appear to be in the front and rear elevations, though there are smaller windows in the lower flank elevation of No.105 adjacent to the proposed access road. The appellant has indicated proposals to provide additional screening adjacent to No.105, and such matters could be secured by condition in the event of the appeal being allowed. Whilst I acknowledge that passing vehicles would result in some limited noise and disturbance for existing residents, given the modest number of traffic movements that would be expected in this case, I do not consider that unacceptable impacts on the living conditions of neighbouring residents would result.
16. The proposal would therefore satisfactorily accord with the amenity aims of policy DM33 of the Development Management Local Plan.

Standard of accommodation for future residents

17. Whilst the Council is satisfied that the overall floor area of each of the proposed houses meets the minimum requirements set out in the London Plan Housing Supplementary Planning Guidance (SPG), it raises concern regarding the size of single bedroom within the proposed dwelling 'Plot 1' and the double bedroom for Plots 2, 3 and 4.
18. In the context of the satisfactory overall size of each dwelling and the functionality of the living accommodation generally proposed, I do not consider these breaches to be of significance to the overall standard of accommodation that would be provided in this case.
19. The Council also raises concerns regarding the proposed ceiling heights in certain instances. Based on the originally submitted plans, Plot 1 achieves the 2.3m throughout which complies with the Technical Housing Standards. Whilst this is below the 2.5 ideally sought by the SPG, the dwelling would generally be well proportioned with good fenestration to the main living accommodation. The appellant has indicated that the ceiling heights for the second floor accommodation for Plots 3, 4 and 5 could be changed from 2.2m to 2.3m although this is not shown on the drawings before me. However, the remainder of the rooms of these proposed dwellings provide ceiling heights of 2.4m.
20. Whilst the proposed dwellings have some relatively minor shortfalls in the living accommodation proposed, I consider that an overall satisfactory standard of residential accommodation would be capable of being provided to generally accord with DM Policy 32 of the Development Management Local Plan (November 2014) and the London Plan Housing SPG. Some of the shortfalls also appear to be capable of being alleviated through small design changes. Whilst I am not certain from the information before me that these could be secured by condition, this matter is not of significance to my overall determination of the appeal.

Wildlife

21. Notwithstanding the Council's concerns regarding the ecological information supplied by the appellant being out of date, there is no persuasive evidence before me that circumstances have materially changed at the site that would alter their overall conclusions in terms of the implications for existing wildlife. Evidence regarding the presence of bats is not conclusive although this is a matter that would appear to be capable of resolution by a suitably worded condition should permission be granted.
22. From the information before me I find there to be no conflict with the wildlife protection aims of DM Policy 24 of the Development Management Local Plan.

Other matters

23. The Council has also raised concerns regarding the lack of provision for refuse and recycling collection, contrary to Policy 13 of the Core Strategy. The appellant has subsequently provided a drawing showing the location of a refuse storey, although it appears to me to be located outside of the red edged application boundary and therefore I have no guarantee it could be secured. However, this matter is not central to my overall determination of the appeal and is most appropriately a matter for the main parties to resolve in the event of any revised scheme being proposed.
24. The appellant is concerned about the manner in which the application was dealt with by the Council. However, these are procedural matters which if necessary should be raised with the Council away from this appeal. They have had no bearing on the main planning merits of the proposed development.

Conclusion

25. I have found that the proposed development would generally provide for a satisfactory standard of residential accommodation for future occupiers and it would not result in unacceptable impacts upon the living conditions upon the occupiers of neighbouring properties. From the evidence before me, I also find there to be no significant risk of adverse wildlife impacts. Nevertheless, the proposed development would result in an adverse impact upon the character and appearance of the area and I am not satisfied that it would safeguard highway safety.
26. Whilst I acknowledge the appellant's aim to provide a high quality residential scheme, the harm resulting is the prevailing consideration and leads me to the conclusion that the proposed development would not amount to sustainable development as sought by the development plan and the Framework.
27. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

David Cliff

INSPECTOR