The Planning Inspectorate

Appeal Decision

Site visit made on 12 December 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 13th January 2017

Appeal Ref: APP/C5690/W/16/3158715
261-265 Brownhill Road, London SE6 1AE

- 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 L Kallar, Moor Park Estates against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/16/096832, dated 26 May 2016, was refused by notice dated 29 July 2016.
- The development proposed is demolition of existing rear two storey apartment block and dilapidated garden retaining wall and erection of new two storey 3 apartment block and retaining wall structure together with a new outbuilding and landscape features.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council determined on 1 September 2016 that prior approval for the change of use of the Class A1 retail units at ground floor and basement level at both 261 and 263 Brownhill Road to Use Class C3 was not required.

Main Issues

3. The main issues in this case are:

   - The effect of the proposal on the character and appearance of the host property and surrounding area;
   - The effect of the proposal on the living conditions of future occupiers with specific reference to internal space;
   - The effect of the proposal on the living conditions of existing occupiers with specific reference to outlook; and
   - Whether satisfactory provision would be made for refuse storage.

Reasons

Character and appearance

4. The appeal site is comprised of 3 three-storey properties on the north side of Brownhill Road which have commercial units on the ground floor and residential accommodation above. A large communal garden lies to the rear of the appeal site. It is proposed to demolish the existing rear outrigger and a rear garden

retaining wall and construct a new two storey rear extension to provide three new residential flats.

5. Whilst there have been many alterations to the properties, the historic plan form and some historic architectural features are clearly still legible. The three-storey properties have original two-storey outriggers to the rear extending approximately 7.2 metres. The outrigger of the appeal property is in a poor condition.

6. The height of the original outrigger would be maintained and the appearance and materials of the proposed extension would be sympathetic to the host property and surrounding properties. However, the resultant outrigger would extend approximately 14.7m at a two storey level together with a roof terrace beyond this at first floor level, more than double the depth of the existing outrigger.

7. The subsidiary nature of the existing outrigger is an important element of the architectural hierarchy of the building and the wider terrace. The proposed extension would result in an outrigger which is disproportionate in scale to the main building and which would fail to be subservient to the host property. Furthermore, the original plan form and the architectural hierarchy of the building would be lost. Moreover, the roof terrace would be an uncharacteristic addition to the property.

8. I noted that the gardens are raised to the rear and consequently some of the additional bulk would be absorbed by these raised areas. Nonetheless, the proposal would be highly visible when viewed from neighbouring properties. Taking these factors in combination, I find that the proposal would be an incongruous form of development which would harm the traditional character and appearance of the host property and the surrounding area.

9. Attention is drawn to an extension at number 271 Brownhill Road which has a similar depth to that which is proposed. However, the extension appears to have been built some time ago and the Council has no record of planning permission for it. I cannot, therefore, be certain that it benefits from planning permission which limits the weight which I can attach to it in my Decision. Furthermore, I noted on my site visit that extensions of this scale are not a characteristic feature of the area.

10. Attention is also drawn to a building situated in the rear garden of number 279 Brownhill Road. However no details are provided of this case and very limited views of the building were available on my site visit. This limits the weight which I can attach to it in my Decision.

11. I, therefore, conclude that the proposal would harm the character and appearance of the host property and the surrounding area. It would, therefore, be contrary to Policy 3.5 of the London Plan which expects the design of all new housing developments to enhance the quality of local places. It would also conflict with Policy 15 of the Council's Core Strategy 2011 which seeks high quality design in Lewisham.

12. Furthermore, conflict would arise with Policy DM32 of the Development Management Local Plan (DMLP) (2014) which expects all new development to be attractive and neighbourly. Moreover, conflict would arise with the Residential Standards Supplementary planning document (2006, updated

2012) which states that development should respect the general character, grain and density of the area.

Living conditions of future occupiers

13. The occupiers of the existing lower ground units currently have a poor outlook onto the retaining wall. The lower ground units would have access to terraces with stepped planters and a greater distance is proposed between the rear elevations and the retaining wall to the benefit of future occupiers.

14. There is no dispute between the parties that the proposed flats would meet the minimum gross internal floor area set out at Policy 3.5 of the London Plan, the Housing SPG and the Nationally Described Space Standards[1] (the Standards). However, in addition to the internal floor area requirements the Standards also require that a double or twin room has a floor area of at least 11.5m^2 and that one double or twin room is at least 2.75m wide. The second bedroom of unit four, shown as a double bedroom, would not meet this requirement. The lack of built-in storage space would exacerbate the narrow and cramped nature of the bedroom. The proposed bedrooms for units 5 and 6, both shown as double bedrooms would also be undersized for 2 person dwellings. Furthermore, the width of bedrooms in units 5 and 6 would only be 2.45m, below the minimum 2.75m width prescribed by the Standards which would lead to cramped accommodation.

15. For the reasons stated, I conclude that the proposal would provide a poor standard of accommodation for future occupiers. It would, therefore, be contrary to the Standards. The proposal would also be contrary to Policy 3.5 of the London Plan 2016 and the Housing Supplementary Planning Guidance (Housing SPG) 2016 which seek a high quality and design of housing developments. Conflict also arises with Policy DM32 of the DMLP which seeks to ensure that new housing development provides an appropriate level of residential quality and amenity.

16. Furthermore, conflict arises with the Lewisham Residential Standards Supplementary Planning Document (Residential Standards SPG) 2012 which seeks to ensure a high level of residential quality and which cross reference to standards in the London Plan and Housing SPG.

Living conditions of Existing Occupiers

17. The Council consider that the overlooking related impacts of the proposal would not be significant and from everything which I have seen in submissions and on my site reason I have no reason to disagree. However, the Council are concerned that by virtue of the excessive depth of the rear projection that the proposal would appear as an overbearing form of development to neighbouring occupiers.

18. The existing rear projections restrict peripheral outlook from windows on the main rear elevation of the host and neighbouring properties to a degree by focussing views towards the long rear gardens, thus creating a tunnelling effect. The increased depth of the proposed outrigger would increase the sense of enclosure although views would be retained of the long gardens to the rear.

[1] Technical housing standards-nationally described space standard DCLG 2015he

19. The rear projections of neighbouring properties have windows on their rear elevations some of which appear to serve habitable rooms. The views of the occupiers of the lower ground floor are restricted to an extent by the retaining wall and the lower ground floor window of 261 Brownhill Road (No 261) is obscured. In addition, the first floor window of 267 Brownhill Road (No 267) is obscured and there is planting on the common boundary. However, a window on the rear elevation of the projection of No 261 is not obscured and appears to serve a habitable room. Occupiers currently have an outlook over their own garden and the garden of the host property. The proposal would extend a significant depth beyond the rear elevation and the additional mass and bulk would restrict wider views over the garden of the host property and would thus appear dominant and overbearing to the occupiers of No 261.

20. Whilst the outlook of future occupiers of the replacement lower ground floor units would improve due to the provision of private terraces and the proposed increased distance from the retaining wall, this must be weighed against the harm which I have identified to existing occupiers.

21. For the reasons stated, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of No 261. The proposal would, therefore, be contrary to Policy 3.5 of the London Plan and the Housing SPG. Furthermore, conflict arises with Policy DM32 of the DMLP and the Residential Standards SPG.

Provision for Refuse Storage

22. Refuse storage would be made available at the front of the property along Brownhill Road with a total of six bins to service the proposed development. The plans indicate that some bins would be stationed adjacent to the existing railing and some situated in a solitary arrangement at the front of the site. It has not been identified whether these bins would also service the units proposed as part of the separate change of use applications or whether further bins would be provided. The Council is concerned about the resulting impact of the bins on the street scene given the proximity to pedestrian areas.

23. I noted on my site visit that there were a number of bins situated on pavements in front of properties along the street. The appellant suggests that the proposal would result in a net gain of one additional person and consequently only one additional bin would be required compared to the existing situation. There is no access to the rear of the property and thus bins would need to be either stored at the rear and pulled through on collection day or stored permanently at the front of the property. Whilst this is unavoidable I consider that details of a scheme for refuse arrangements, including details of secure bin stores could have been required by condition had I decided to allow the appeal.

24. With the suggested condition the proposal would not, therefore, be contrary to Policy DM30 Urban Design and local character of the DMLP. In addition, no conflict arises with Policy 13 of the Core Strategy.

Other matters

25. I am aware of concerns raised by the occupier of 16 The Woodlands which adjoins the rear boundary of the appeal site relating to the rear storage proposed at the end of the garden, the removal of trees and the replacement of

an existing fence. Whilst I have had regard to these matters, they do not alter my overall conclusions on the main issues.

Planning Balance

26. The proposal would have some benefits in terms of the provision of additional housing, albeit limited. The proposal would also replace the existing outrigger and retaining wall which are both in a poor condition, although I consider that these benefits could be achieved by other means. However, I consider that the totality of the harm arising from the proposal in terms of the effect on the character and appearance of the area and the living conditions of existing and future occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

27. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector