

Appeal Decision

Site visit made on 31 January 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 08 February 2017

Appeal Ref: APP/C5690/D/16/3162443

180 Stanstead Road, Crofton Park, London, SE23 1DA

- 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 Luther Roberts against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/097086, dated 9 June 2016, was refused by notice dated 5 August 2016.
 - The development proposed is to the rear of the property a new two storey dwelling consisting of lounge, kitchen, diner, study, 3 bedrooms, store and bathroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area; its effect on the living conditions of neighbouring occupiers, with regards to daylight and privacy; and whether the proposal would provide acceptable living conditions for future occupiers, with regards to outlook.

Reasons

Character and appearance

3. No 180 Stanstead Road is a large semi detached dwelling fronting the busy Stanstead Road. It has a long garden to the rear and it is towards the end of this garden that a new two storey dwelling is proposed.
 4. The appeal site is located in a largely residential area. Whilst there are a number of shops and commercial uses in the wider area, properties along this side of Stanstead Road tend to comprise large two storey period semi detached and terraced properties. Properties along Cranston Road and Kilmore Road nearby tend to comprise rows of smaller two storey period terraced houses.
 5. As a consequence of the above, the area is distinguished by its "suburban terrace grid" pattern of development, as identified by the Council. Properties tend to have small front gardens and longer back gardens, and in the wider area back gardens back onto one another. This creates an attractive sense of spaciousness and greenery to the rear of properties. The attributes of the area
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are further enhanced by the presence of period property features, including bay windows and a uniformity of design.

6. The proposal would comprise a large, two storey building. As such, it would appear as an incongruous feature within an area of gardens notable for their green and spacious attributes and where no such buildings exist. Further, it would fail to fit the prevailing grid pattern of development. It would be located very close to the side elevation of No 1 Cranston Road, creating a cramped effect that would appear out of context with the area's spacious qualities.
7. The harm arising from the above would be exacerbated as a result of the design of the proposed dwelling. To some considerable degree, it would appear as a flat-roofed box. Other than minor detailing above windows and doors, the proposal would appear somewhat feature-less and bland. Consequently, it would add significantly to the incongruous appearance of the proposed development within an area notable for the presence of attractive period properties. The proposed development would therefore draw attention to itself as an alien feature.
8. Taking the above into account, I find that the proposal would harm the character and appearance of the area, contrary to the Framework, London Plan (2015) policy 3.5, Core Strategy¹ policy 15, Development Management² policies 32 and 33, and the Council's Residential Standards Supplementary Planning Guidance (2012).

Living conditions

9. The proposed dwelling would be built very close to the side of No 1 Cranston Road, which has windows looking directly towards the appeal site. I find that this immediate proximity would inevitably result in a harmful reduction in the amount of daylight reaching No 1 Cranston Road and there is no substantive evidence to the contrary.
10. The proposal would also be located close to and to the south of, No 180 Stanstead Road. This would result in increased over-shadowing to the rear garden of No 180 and some reduction in the amount of daylight reaching the rear elevation of that property. I find that this would be detrimental to the outlook of the occupiers of No 180, as well as being harmful in respect of their ability to enjoy the rear garden of that property.
11. Further to the above, the proposal would result in first floor windows that would directly overlook adjoining gardens. I find that this would be to the detriment of the privacy of neighbouring occupiers when seeking to enjoy their gardens. Whilst the appellant, in support of his case, states that the proposed development would use "non-transparent glazing" in the windows that overlook adjoining property, such an approach would result in a proliferation of non-transparent windows. A dwelling with a large proportion of non-transparent windows would result in unsatisfactory and unacceptable living conditions for future occupiers, in respect of outlook.

¹ Lewisham Local Development Framework Core Strategy Development Plan Document (2011).

² Lewisham Local Development Framework Development Management Local Plan (2014).

12. In addition to the above, the south, west and east elevations of the proposed dwelling would have ground floor windows looking directly out on to extremely close garden boundary fences. This would have a severely limiting impact on the outlook from these windows and would result in future occupiers having an unacceptable outlook.

13. Taking all of the above into account, the proposal would harm the living conditions of neighbouring occupiers and would result in unacceptable living conditions for future occupiers. This would be contrary to the Framework, London Plan policy 3.5, Core Strategy policy 15, Development Management policies 32 and 33, and the Council's Residential Standards Supplementary Planning Guidance, which together amongst other things, seek to protect residential amenity.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR