

Appeal Decision

Site visit made on 16 January 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 23rd February 2017

Appeal Ref: APP/C5690/W/16/3160155
158 New Cross Road, London SE14 5BA

- 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 Matthew Johnson against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/097031, dated 10 June 2016, was refused by notice dated 21 September 2016.
 - The development is a proposed new build one bedroom unit to rear of no.158 replacing existing storage and sheds.
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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 on the living conditions of future occupiers of the development and the occupiers of the residential elements of 156 and 158 New Cross Road with particular regard to privacy and sunlight.

Reasons

Character and appearance

3. The site is located to the rear of 158 New Cross Road which is a three storey building with a flat roof. The ground floor is occupied by a food establishment (Smokey Jerkey) with residential accommodation above. No 156 is also a three storey building with residential accommodation, including a rear balcony and roof terrace, and a further two storey building at the rear. To the west of the site is a four storey residential block, whilst opposite is a three storey residential building. The appeal site itself contains a number of single storey structures and has metal sheeting around it where it fronts onto Besson Street and to the rear access driveway. The site is also within the Hatcham Conservation Area (HCA).
 4. The proposed development would introduce a flat roofed two storey building which would be a similar size and scale to that currently at the rear of No 156. The south elevation, facing Besson Street, would be a blank façade and would be an inactive frontage in contrast with the other buildings in the vicinity of the site and to the streetscene in general.
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5. Policy DM30 of the Lewisham Development Management Local Plan (2014) (LP) at Table 2.1 (urban typologies in Lewisham) states that new development should not disrupt the regularity of the street form and the unity of the architecture. Furthermore, Policy DM33 of the LP outlines that planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully, and is sensitive to, the existing design quality of the streetscape. Additionally, development should be sensitive to the setting of heritage assets, such as the HCA.
6. In this case, the proposed building does not positively respond to the streetscene and is not of a high quality design. The use of render is not prominent in the area and when considered with the lack of architectural interest would present a poor form of development which would have an adverse effect on the character of the HCA and the streetscene in general.
7. In coming to that conclusion I acknowledge that the site is currently in a state of disrepair. I have also considered the appellants view that the residential building to the west has little architectural merit and has an overbearing impact. However, these factors do not in my view justify an otherwise unacceptable development.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
9. Paragraph 134 of the National Planning Policy Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The removal of the metal fencing and the tidying of the site would clearly result in some improvement to this part of the Conservation Area as a public benefit as would the provision of much needed new housing. However, whilst the harm to the significance of the heritage asset would be less than substantial, the public benefits are not sufficient to outweigh this harm.
10. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the HCA. Therefore the development would conflict with Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies 15 and 16 of the Lewisham Core Strategy (2011) and Policies DM30, DM33 and DM36 of the LP which amongst other matters seek to secure high quality design and to preserve the character of the Conservation Area.

Living conditions

11. The Technical housing standards – nationally described space standards sets out the minimum internal space standards for new dwellings. The standard for a 1 bedroom, 2 storey dwelling is a minimum gross internal floor area of 58 square metres with a further 1.5 square metres of built in storage. The standard also includes a minimum floor to ceiling height of 2.3 metres for at least 75% of the gross internal area.
12. The appellant states that the development would provide 39 square metres of floor area, whilst the Council consider it would be 36.35 square metres. Regardless of which is correct, the amount of floor area is still significantly below the national minimum standard of 58 square metres.

13. Turning to the floor to ceiling height it is not disputed that the first floor has a floor to ceiling height of 2.2 metres. Given that the first floor is approximately 50% of the overall size of the dwelling it is clear that overall the dwelling would not have at least 75% of the gross internal floor area with a floor to ceiling height of at least 2.3 metres. Whilst I acknowledge that the Appellant has stated that the proposed floor to ceiling height could be increased by setting the development into the ground, this is not a proposal before me.
14. Given the deficiencies of the proposal when compared to the nationally described space standards, I can only conclude that the development would not provide a suitable living environment for its future occupiers.
15. In addition to the above, the development would have habitable room windows on the east and west elevations. The main window to the ground floor living area, and the first floor bedroom window, would directly face the rear of No 158 and to a lesser extent No 156. The amenity area for the proposed dwelling would be located between No 158 and the new dwelling itself. Given the distances between the existing rear windows of Nos 156 and 158 and the proposed dwelling, I consider that there would be an unacceptable level of overlooking between the habitable rooms and amenity areas of both the existing and proposed properties. This level of overlooking would give rise to significant harm to the living conditions of the occupiers of both the existing and proposed dwellings.
16. The Council have also raised concern in respect of the loss of sunlight to the amenity area of No 156 and overshadowing of No 158. However, given the juxtaposition between the existing and proposed buildings, the scale of the proposed building, and its location in relation to sunrise/sunset, I consider that any loss of sunlight would be limited to the afternoon and would not be significantly different from the current situation. However, this does not overcome the harm I have already identified.
17. For the above reasons, I conclude that the proposal would harm the living conditions of the occupiers of the residential elements of 156 and 158 New Cross Road. In addition, the future occupants of the dwelling would also have poor living conditions as a result of insufficient space and overlooking. Therefore the proposal would conflict with the provisions of Policy 3.5 of the London Plan, Policy DM32 of the LP and the Technical housing standards – nationally described space standards which amongst other things seek to protect the amenity of the occupiers of existing residential properties and provide for a suitable level of amenity for the future occupiers of the development.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR