
Appeal Decision

Site visit made on 7 February 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/C5690/W/16/3164315

Unit 2, Astral House, 335-337 Bromley Road, London SE6 2RP

- 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 Ms Yun Yu of the London Catford Chinese Christian Assembly Hall against the decision of the Council of the London Borough of Lewisham.
 - The application Ref: DC/16/096533, dated 5 May 2016, was refused by notice dated 22 July 2016.
 - The development proposed is the construction of red brick in-fills containing PVCu windows and doors in replacement of the originally approved shop fronts in the front and side elevations.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application form describes the development as 'Retrospective application for approval of changes to elevations' whilst the decision notice issued by the Council describes it as 'The construction of red brick in-fills containing PVCu windows and doors in replacement of the originally approved shop fronts in the front and side elevations'. The appellant has cited both descriptions on the appeal form. As the Council's description more accurately sets out the development proposed, I have used this for the purposes of the appeal.
3. The works have already been carried out and I was able to see these when I visited the site.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the building and the surrounding area.

Reasons

5. The appeal building is a ground floor unit forming part of a mixed use building with commercial development at ground floor level and residential accommodation above. This forms a substantial block situated on the junction of Bromley Road and Whitefoot Lane. It is constructed in brickwork using contrasting buff and brown bricks and, despite its irregular massing and
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fenestration pattern, has clearly been designed as a unified and consistent structure.

6. Bromley Road and Whitefoot Lane are busy main thoroughfares. The surrounding area is predominantly residential with a small number of commercial premises present. The surrounding buildings are mainly traditionally constructed Twentieth Century houses and flats of varying ages and designs, ranging from two to eight stories high. The appeal building and the building opposite on the corner of Bromley Road and Southend Lane are recent insertions into this older built fabric.
7. The development is situated on the corner of the building facing the road junction and has infilled a larger opening that was originally a commercial frontage similar to that of the adjacent food store situated on the ground floor of the building.
8. The infill of this larger opening has been carried out in brickwork and contains two doors and three windows. Whilst the appellant asserts that the brickwork matches that of the existing building, I saw when I visited the site that although the infill panels mirror the projecting alternate brick courses used on the lower section of the building, they have been constructed using a light red brick whilst the main building uses a dark brown brick in that area. As a result the infill panels stand out from the surrounding brickwork in an incongruous manner.
9. Similarly, even though a range of window sizes and shapes has been used in the rest of the building, these are fabricated from aluminium whereas uPVC has been used in the infilled section. The size and proportion of the windows that have been used is inconsistent with that elsewhere on the building. Additionally, the doors that have been used are of two different designs, both of which are typical of domestic or residential doors and neither of which are consistent with the design of the aluminium framed doors used elsewhere on the building.
10. As a result, the development appears as a jarring and alien feature which compromises the architectural integrity of the host building. This does not represent a high standard of design and is harmful to the appearance of the building. Due to the location of the unit on the corner of the building facing the junction of several main roads, the development is very prominent and widely visible and, consequently, detracts from the appearance of the area.
11. The appellant accepts that the windows which have been used in the development are not an appropriate design and do not match the quality or proportions of those on the existing building. It is suggested that planning conditions could be imposed to require the replacement of the windows with windows of a similar design to the existing building, and to require that the materials used for the infill panels match the existing building.
12. The National Planning Practice Guidance advises that a condition that modifies the development in such a way as to make it substantially different from that set out in the application should not be used. The planning application sought permission for the development which has been carried out. The conditions suggested by appellant would essentially entail removing the development which has been implemented and replacing it with a new development using different brickwork and windows of a different design and proportions. In my

view, this would substantially change the development from that for which planning permission was sought. As a result, I do not consider that the matter can be addressed and the development made acceptable through the use of planning conditions.

13. I therefore find that the development causes harm to the character and appearance of the building and the surrounding area. It is contrary to the relevant requirements of Policy 15 of the Lewisham Core Strategy 2011 and policies DM30 and DM31 of the Lewisham Development Management Local Plan which seek to ensure that new development is of a high standard of design and uses materials which match or complement the existing development.

Other matters

14. In their statement of case the Council suggest that the works that have been carried out would potentially restrict the future use of the unit for other purposes within the consented used classes for the commercial floorspace on the ground floor of the appeal building. This matter did not form part of the reason for refusal of the planning application and is not supported by any substantive evidence. I have, therefore, not given any weight to this point in my decision.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR