

Appeal Decision

Site visit made on 21 March 2017

by David Walker MA MRTPI

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

Decision date: 21st April 2017

Appeal Ref: APP/C5690/W/16/3154267

Land rear of 26 Inglemere Road, London SE23 2BE

- 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 Sterling Rose Developments against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096523, dated 28 April 2016, was refused by notice dated 30 June 2016.
 - The development proposed is described as 'installation of a basement to the existing storage building to provide additional storage, remodelling existing storage building'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on, firstly, the character of the area and, secondly, on the living conditions of the occupants of neighbouring properties having regard to noise and disturbance.

Reasons

3. The existing storage building is located in the back garden of No 26 and surrounded by other dwellings within an established residential area. It was originally permitted to serve the accommodation at No 26. However, my attention has been brought to the existing flats at No 26 being in separate ownership from the appeal site. This would appear to be confirmed by the submitted plans which draw the application site boundary to exclude the original dwelling.
 4. Additionally, at my site inspection there was no evidence of any direct access from No 26 and a close board fence had been erected around the property with an independent access to the side. The appeal building is also unfinished and without a watertight roof covering, windows and doors. In the circumstances it does not appear to have been brought into the use for which it was first permitted.
 5. With the original dwelling being separated from the appeal site there can be no assurances that the enlarged storage building would be available for the use of the occupants of No 26. There would also be no means of restricting the use of the building by only the dwelling occupants. It would amount to being a storage facility that was completely independent of the original dwelling.
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6. While there would be no additional works above ground level to harm the appearance of the area, the nature of the use of the appeal building would be fundamentally altered by its separation from the dwelling it was intended to serve. The comings and goings associated with a non-domestic storage building would detract from the quiet ambience in a back garden surrounded by other dwelling gardens. There would be a harmful effect on the residential character of the area that would be difficult to control.
7. Such activities could be increased significantly with the enlargement of the building leading to demand for additional parking and movements along the side of No 26. Non-domestic noise and disturbance in an otherwise peaceful residential setting would have a harmful effect on the living conditions of the occupants of neighbouring properties.
8. I conclude that the proposal would have a harmful effect on the character of the area and on the living conditions of the occupants of neighbouring properties. It would therefore conflict with Policy DM 33 of the Lewisham Development Management Local Plan 2014 (the Local Plan) which identifies that garden and backland sites will often not be suitable for development. As the proposal cannot be regarded as being incidental to the existing dwelling it would also amount to a noise generating development that would conflict with Policy DM 26 of the Local Plan which requires such uses to be located at industrial and employment areas.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR