
Appeal Decision

Site visit made on 25 April 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 23 May 2017

Appeal Ref: APP/C5690/W/17/3168771

Land to the rear of 3-7 Cheseman Street, London SE26 4RA

- 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 E Farrier against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/097674, dated 25 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is described as the demolition of existing garages and construction of 3 x 3 bedroom residential new dwellings and any other ancillary works to be undertaken in order to crystallise the proposal.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr E Farrier against the Council of the London Borough of Lewisham. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide satisfactory living conditions for the future occupiers of the dwellings with particular regard to outlook.
 - Whether car parking demand generated by the proposed development can be adequately accommodated in the local area and the effect on highway safety.

Reasons

Living conditions

4. The appeal property comprises a backland site that rises to the north-west and is surrounded on all sides by exiting residential development. Access is off Cheseman Street. The site is currently occupied by fifteen disused garages that are arranged in three blocks around the periphery.
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5. The proposed development would involve the demolition of the garages and the construction of three two storey flat roof dwellings. The development would involve the excavation and lowering of existing ground levels in order to incorporate a lower ground floor in the proposed dwellings. The Council indicate that existing ground levels would be lowered by approximately 2.2m to 2.7m. The proposed first floor level and the roof height would be similar to that of the existing garages.
6. The proposed internal accommodation would be arranged with an open plan kitchen/living/dining area on the lower ground floor and bedrooms on the ground floor. The Council accept that the proposed internal space to be provided would be adequate. However, as a consequence of the proposed orientation of the dwelling and the excavation of the site, the outlook from the windows and doors in the lower ground floor of the units would be predominantly towards the excavated boundaries with adjoining development with timber panel fences above at existing ground level. The Council suggests that the distance from the proposed windows and doors at ground floor level to the excavated site boundaries would be between 1.2m and 7.5m.
7. Given the submerged nature of the lower ground floor and the distance to the site boundary the occupants of the proposed dwellings, in particular Units 2 and 3, would have an outlook that faces directly towards a closely positioned vertical boundary. The lack of outlook and the proximity of the boundary would create an unacceptable sense of enclosure and oppressive environment for the occupants of the dwellings.
8. As a consequence of the proximity of doors and windows in the lower ground floor to a solid vertical boundary there would be some reduction in the light received at the doors and windows of the proposed dwellings. Although the appellant has produced shading diagrams, these primarily demonstrate that the proposed development would not cause a reduction in the amount of light received at neighbouring properties. They do not conclusively demonstrate that adequate daylight would be received at the lower ground floor. This matter also adds to my concerns regarding the effect of the proposed development on the living condition of the future occupiers.
9. Whilst I recognise that the design of the proposed development has responded to local circumstances, this has resulted in the provision of a lower ground floor with a poor outlook that would have an unacceptable detrimental effect on the living conditions of the future occupiers of the dwellings. As such the proposed development would be contrary to Policy DM32 of the Lewisham Development Management Local Plan (2014) and Policy 3.5 of the London Plan (2016). These policies, amongst other things, require that new residential development should be of the highest internal and external quality and provide a satisfactory level of outlook and natural light for its future residents.

Parking provision

10. Cheseman Street is a relatively narrow cul-de-sac street that has parking restrictions the whole length of the road on the north side and partial restrictions on the south side in the vicinity of the junction with Dartmouth Road. I observed at my site visit that the street, including a small turning head at the head of the cul-de-sac, was heavily parked with competition for any available parking space.

11. Due to the level of on-street parking and the width of the road, the useable road width is narrowed to single carriageway. Manoeuvring space is severely limited with little opportunity for two moving vehicles to pass. Consequently, vehicles turning into Cheseman Street have to reverse on the street to seek a convenient turning area in order to be able to exit the street onto the busy Dartmouth Road in a forward direction. In addition, owing to parking restrictions, I also observed that there was little available on-street parking on nearby streets.
12. Although the appellant suggests that the site has a Public Transport Accessibility Level (PTAL) of 3, the Council assert that the PTAL is 2, which identifies a poor level of accessibility to public transport. The Council also suggest that the proposed development of three family dwellings would likely generate a car ownership of five vehicles based on census data. I have no evidence to suggest that the Council's assessment of the likely vehicle ownership for occupiers of the development may be incorrect.
13. The proposed development does not make any provision for off-street parking. Given the low PTAL rating of the site, a level car ownership of five vehicles would not be unreasonable for the nature of the development proposed. I note that complaints regarding indiscriminate parking on the street have previously been received by the Council in relation to the existing parking demand. The proposal would further increase the demand for on-street parking which, given the existing parking conditions on Cheseman Street, could not be reasonably accommodated on the street or in the immediate surrounding area.
14. Against this background, in the absence of any other evidence to demonstrate that the vehicles likely to be generated by development can be safely parked, the scheme would exacerbate the demonstrable parking problems and the inadequacies in manoeuvring space that already exist in the area to an extent that would unacceptably compromise highway safety.
15. Whilst I note that the appellant may have been advised by officers within the Council to consider a car free development, Policy 14 of the Lewisham Core Strategy Development Plan Document (2011) indicates that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street. Given my findings of the current on-street car parking conditions and the lack of any car parking provision within the site, car parking demand arising from the development is likely to be displaced onto a street which is not subject to controlled parking zone and which already has significant competition for any available parking space. Consequently, the proposed development would conflict with the provisions of Policy 14.

Other matters

16. My attention has been drawn to a number of residential developments in the vicinity of the site that have recently been granted planning permission by the Council. Whilst some of these relate to car free developments I do not have full details of the nature of the proposals or the planning considerations that led to these developments being considered acceptable. Consequently I cannot be sure that these are wholly representative of the circumstances in this appeal. In any event, I have determined this appeal on its own merits.

Conclusion

17. Whilst the proposed development would result in the beneficial redevelopment of a derelict and disused garage site this does not outweigh the harm that I have found that would be caused to the living condition of the future occupiers of the dwellings and unacceptable effect on highway safety. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR