



Appeal Decision

Site visit made on 25 April 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/C5690/W/17/3168113
2A Cranfield Road, London SE4 1UG

- 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 Quantum Securities Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/098437, dated 23 September 2016, was refused by notice dated 25 November 2016.
 - The development proposed is demolition of existing single storey brick structure. Proposed erection of two storey building with pitched roof and 2 No. dormers comprising 1 No. 1-bedroom flat at ground floor and 1 No. 2-bedroom flat over all three levels. Provision of associated amenity space, refuse, recycling and bicycle storage.
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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 Brockley Conservation Area;
 - the living conditions of the occupiers of Becks House having regard to outlook;
 - the living conditions of the occupiers of 169 & 171 Brockley Road having regard to outdoor amenity space.

Reasons

Conservation Area

3. The appeal site is located in a prominent position in the Brockley Conservation Area (CA). The Council's character appraisal of the CA (BCACA) states that the character of the CA is that of a large Victorian suburb for the wealthy middle classes. The BCACA splits the CA into distinct character areas with the appeal site falling within Area 3a: Western ends of Harefield and Cranfield Roads.
4. The appeal site comprises an existing part two, part single storey structure and adjoining land positioned to the side and rear of 169 & 169a Brockley Road and fronting Cranfield Road. Nos 169 & 169a are located within the end unit of a row of three storey traditional buildings fronting Brockley Road and containing commercial uses at ground floor. Harefield Mews is located to the rear of the

appeal site with Becks House, a modern two storey flat roofed building being located immediately to the rear. The area of land between the rear elevations of properties on Brockley Road and Harefield Mews has a largely open feel with clear views of the rear elevations of the three storey buildings on Brockley Road from Cranfield Road and Harefield Road due to the fact that any rear projections on buildings on Brockley Road and Harefield Mews are largely single storey. The area of land forms an important visual gap between the buildings.

5. The modest scale, width and height of the existing single storey structure allows for views above and beyond it to the rear of the larger scaled buildings fronting Brockley Road and means that it appears subservient in scale to them and to Becks House and other buildings fronting Harefield Mews. Properties on Cranfield Road opposite and near to the appeal site comprise traditional terraced two storey dwellings with lower ground floors. In the main nearby buildings have hipped and pitched roofs with over sailing eaves with some examples of flat roofs. There are also a few examples of small front dormers to properties on Cranfield Road.
6. The proposed building would be significantly taller and would be wider than the existing single storey structure that it would replace and it would be taller than the two storey flat roofed structure to the side of 169/169a and the two storey part of Becks House. This increased height and width means that the existing open feel of this part of the CA and the visual gap between buildings would be lost and views of the rear elevations of properties fronting Brockley Road would be reduced and partially obscured. Whilst there are some unsightly additions to the rear of these buildings in the form of flues and other commercial paraphernalia, this does not significantly detract from the positive contribution that the row makes to the character and appearance of the CA.
7. Though its height would be below the height of the taller buildings fronting Brockley Road, the proposed building would nevertheless be a dominant addition to the streetscene and would not be subservient in scale to other nearby structures including buildings on Harefield Mews. Though I note that there are some taller structures fronting Harefield Road at the opposite end of the row within which Nos 169 & 169a are located, these are set further away from the rear elevations of properties fronting Brockley Road and are of a different scale and design to the proposal.
8. The roof of proposed building would comprise a double hipped roof containing two flat roofed front dormers set behind a parapet. The proposed roof form is not reflective of surrounding buildings, would be incongruous, out of keeping and harmful to the character and appearance of the CA. I note that the appellant acknowledges that the proposed building including its roof design is different to surrounding buildings in scale, massing and detailing. However I do not agree with the appellant that this means that the proposed infill development is not harmful to the CA.
9. The proposal would fail to preserve the character and appearance of the CA. I consider that the harm to the significance of the CA that would result from the proposal would be less than substantial. As such having regard to paragraph 134 of the National Planning Policy Framework (the Framework), this harm needs to be weighed against the public benefits of the proposal. I note that the public benefits of the scheme would include an infill development in an

accessible location for the provision of two new dwellings. However I do not consider that these equate to public benefits which would outweigh the harm identified.

10. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons it would not accord with paragraph 132 of the Framework, with policies 3.5 and 7.8 of the London Plan (LP), policies 15 and 16 of the Lewisham Local Development Framework Core Strategy (CS) and policies DM30 and DM36 of the Lewisham Local Development Framework Development Management Local Plan (DMLP). These policies seek, amongst other things, housing developments to be of the highest standards of design and to be compatible with and/or complement urban typologies, the creation of a positive relationship to the existing townscape and to conserve heritage assets including Conservation Areas.

Living conditions Becks House

11. As stated Becks House is located to the rear of the appeal site. The rear elevation of Becks House contains a number of ground and first floor windows facing towards the appeal site.
12. The appellant acknowledges that the proposal would move development and massing nearer to Becks House. The Council states that the distance between the side elevation of the proposed building and Becks House would be 7.74 metres and this figure has not been disputed by the appellant. This distance is in breach of the guideline in the Council's Residential Standards Supplementary Planning Document (SPD) which states that the minimum distance between habitable rooms on the main rear elevation and the flank wall of an adjoining development should normally be 9 metres or more.
13. There is no evidence in this case to suggest that the guidelines should be applied flexibly. In the absence of this and having regard to the close relationship between the proposal and Becks House and to the scale and mass of the building proposed, it would have a significant harmful impact on the outlook from residential units within Becks House. This harm would not be outweighed by the benefits of the proposal and could not be overcome by the imposition of a suitably worded condition as suggested by the appellant.
14. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of Becks House having regard to outlook. It is therefore contrary to paragraph 17 of the Framework, Policy 3.5 of the LP, Policy 15 of the CS and policies DM30 and DM32 of the DMLP. These policies seek, amongst other things, high quality housing developments which are sensitive to the local context and are neighbourly providing a satisfactory level of outlook for its neighbours.

Living conditions 169 & 171 Brockley Road

15. The appeal site contains an existing rear yard which the Council states measures approximately 88 square metres. I understand that it is used as outdoor amenity space by the occupiers of existing flats above Nos 169 & 171. The appeal site is located in an area designated within the Local Plan as being deficient in open space provision.

16. The proposal would significantly reduce the size of the outdoor amenity space that would be available to Nos 169 & 171 to 5 square metres. The proposed amenity space would take the form of a narrow strip of land immediately to the rear of the rear elevation of Nos 169 & 169a and would be enclosed by the rear elevation of Nos 169 & 169a to one side and by what appears to be a proposed boundary fence/wall enclosing the rear amenity area to Unit 1 to the other. Consequently it is likely to feel extremely enclosed.
17. DMLP Policy DM33 relates to development on infill sites and states that development will only be permitted where they retain appropriate garden space for adjacent dwellings. Having regard to the small size and enclosed position of the proposed outdoor amenity space for Nos 169 & 171, it would not provide appropriate garden space for occupiers of those properties and is not justified by either the accessible location of the appeal site or by the benefits of the proposal, particularly given the local deficiency in open space provision.
18. Taking the above matters into consideration, I conclude that the proposal is contrary to Policy 12 of the CS, and Policy DM33 of the DMLP. These policies seek, amongst other things, the on-site provision of appropriate garden space for dwellings.

Conclusion

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

Beverley Wilders

INSPECTOR