



Appeal Decision

Site visit made on 4 July 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/C5690/W/17/3170259

232 Hither Green Lane, Hither Green, London SE13 6RT

- 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 Andrew Tostevin against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/097333, dated 27 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is redevelopment to provide retail at ground floor with two floors above of residential use comprising 4 x 2-bed & 2 x 1-bed flats.
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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;
 - whether future occupiers of flats 3 & 6 would have satisfactory living conditions having regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises an art deco style former cinema building located in a prominent position on the corner of Hither Green Lane and George Lane. It is two storeys in height with a higher front façade and forms the end property of a small parade of three storey buildings with commercial uses at ground floor. The side elevation of the building fronts onto George Lane but is also visible from Hither Green Lane. It adjoins a small terrace of two storey dwellings and its side elevation is set forward of the front elevation of these dwellings. The existing building is constructed from brick which is painted on the George Lane elevation with the front façade being painted render. The existing building has a simple and unaltered pitched roof. The pitch of the roof matches that of the adjacent terrace though the eaves height is below that of the terrace. Notwithstanding the presence of signage, the George Lane elevation of the existing building has a simple and uncluttered appearance.
4. The proposal incorporates alterations to the roof of the existing building and includes an increase in the roof height, the formation of a front parapet wall

with a mansard roof to the rear and the insertion of a number of large rooflights. The proposal would result in the loss of the existing simple pitched roof form and would increase the prominence of the roof when viewed from George Lane and Hither Green Lane. The altered eaves height would be higher than the eaves of the adjacent terrace and the mansard roof would have a steeper pitch than the adjacent pitched roofs. This increase in scale and change of form of the roof would serve to emphasise the forward projection of the building beyond the front elevation of the terrace. In addition whilst there are some examples of rooflights in the immediate vicinity, these are much smaller than the ones proposed, fewer in number and less prominent and dominant within the roof slope.

5. Overall and notwithstanding that there is some variation in roof form on George Lane, the alterations to the roof would be incongruent in the streetscene, would make the building more prominent and would be harmful to the character and appearance of the area including this particular part of George Lane.
6. My attention has been drawn to a previous permission granted in 2010 for the re-development of the site which included a roof alterations and a number of large rooflights (Ref DC/10/75392/X). However whilst I have been provided with an extract from the approved plan showing large rooflights, I am unaware of the details and particular circumstances relating to this permission and note that it is no longer extant. In any event I must determine the proposal before me on its own merits.
7. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area, including on George Lane. It is therefore contrary to Policy DM 30 of Lewisham's Development Management Local Plan (DMLP) and Policy 15 of Lewisham's Core Strategy (CS). These policies seek, amongst other things, high quality design and the creation of a positive relationship to the existing townscape.

Living conditions

8. Bedroom 2 of Flat 3 would have a small window in the rear elevation and bedroom 2 of Flat 6 would have a rooflight in the rear roof slope. These would be non-opening and obscurely glazed to a height of 1.7 metres above finished floor level. This is to prevent any overlooking to the rear. As these openings would be the only source of outlook for these rooms, they would have an inadequate outlook and this would be harmful to the living conditions of future occupiers of these flats.
9. I note that the appellant states that the window and rooflight would not result in the overlooking of any nearby properties and that to replace the proposed obscure glazing with clear glazing would not have any impact on the privacy of neighbouring properties. The appellant considers that this matter could be dealt with by a suitably worded condition. However at my site visit I noted that the window and rooflight would be close to the rear gardens of nearby properties and I have seen no substantive evidence to show that overlooking would not occur if they were not fixed shut and obscurely glazed as proposed. Under these circumstances I do not therefore consider that the matter could be dealt with by the imposition of a condition.

10. Taking the above matters into consideration, I conclude that future occupiers of flats 3 & 6 would not have satisfactory living conditions having regard to outlook. The proposal is therefore contrary to Policy DM 32 of the DMLP and to Policy 3.5 of the LP. These policies seek, amongst other things, to ensure that residential development is of the highest quality and provides a satisfactory level of outlook for its future residents.

Other Matters

11. In reaching my decision I have had regard to the fact that the proposal would re-use an existing building and would provide additional housing in an accessible location. The proposal would also bring some modest economic benefits. However the benefits of the proposal would not outweigh the harm that I have identified.

Conclusion

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

Beverley Wilders

INSPECTOR