

Appeal Decision

Site visit made on 28 June 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 08 August 2017

Appeal Ref: APP/C5690/W/17/3172904

159a Upper Brockley Road, London, SE4 1TF

- 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 Steven Selva (on behalf of Alcomax Investments) against the decision of the London Borough of Lewisham.
 - The application Ref DC/16/098840, dated 24 October 2016, was refused by notice dated 28 December 2016.
 - The development proposed is the demolition of the existing buildings and erection of a new building comprising 7 no. apartments and one B1 office unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - whether the proposed development would make acceptable provision of replacement employment floorspace; and,
 - whether the proposed development would preserve or enhance the character or appearance of the Brockley Conservation Area.

Reasons

3. The proposal would comprise the redevelopment of the appeal site, which is formed of a broadly triangular plot of land at the junction between Upper Brockley Road and Geoffrey Road. The site is currently occupied by single-storey buildings accommodating a garage, MOT business and tyre business, and also comprises an area of hardstanding used to park vehicles. The appeal site is located within the Brockley Conservation Area.

Employment floorspace

4. The appellant has indicated that the proposed development would incorporate 53.1 m² of commercial office floorspace at lower ground floor level, which would replace the existing 119.9 m² available within the existing buildings on the site, representing a net loss of 66.8 m², as indicated on the application forms. The submitted evidence indicates that there are 3 existing jobs provided within the three businesses on the appeal site.
 5. In reaching its decision, the Council has drawn my attention to Policy 5 of the Lewisham Core Strategy Development Plan Document 2011 (the Core
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Strategy), and Policy DM11 of the Lewisham Development Management Local Plan 2014 (the Local Plan). These policies address the protection of 'other employment locations' throughout the Borough, unless it can be demonstrated that site specific conditions such as accessibility, restrictions from adjacent land uses, and business viability show the site to no longer be viable for continued business use. In such a circumstance, other uses including housing may be supported.

6. It is evident from the submissions that there is no objection raised to the quantum of replacement employment floorspace, with neither the provision of 53.1 m² of office floorspace nor 3.8 (Council) – 4.4 (Appellant) jobs as calculated from the *Homes & Communities Agency (HCA) Employment Density Guide 2015*, resulting in opposition from the Council to the proposed mixed use of the site. However, concern has been raised regarding the functionality and suitability of the proposed replacement floorspace in respect of its lower ground floor location.
7. I have carefully considered the nature and form of the proposed replacement employment floorspace, but I do not consider that the provision of such floorspace within a lower ground floor setting would be unacceptable in principle. Whilst the absence of a more prominent street presence may prove unattractive for some potential future occupiers, I do not regard this to be a likely deterrent for all, and acknowledge that appropriate signage could be utilised as a means of signalling the location of any business occupying the premises.
8. I accept that the utilisation of a lightwell to provide access to lower ground floor or basement accommodation is by no means an uncommon feature for office uses within London. However, I do find that the combination of a 2.5 metre floor to ceiling height (the minimum required for residential occupation under the space standards), and the access to natural light restricted only to that coming from the lightwell, which I note would also accommodate a platform lift, would reduce the quality of the employment floorspace and as a consequence the likely attractiveness of the unit for some future occupiers. Nevertheless, even if this were to be the case, and recognising the requirement within Policy DM11 of the Local Plan for new build business premises to be of a high standard of environmental and design quality, and to an appropriate standard to attract new occupiers, I am not persuaded that the marketability of the employment floorspace would be unacceptably affected.
9. On the basis of the submitted evidence, I am satisfied that the proposed development would make adequate provision for replacement employment floorspace. The proposals would therefore not conflict Policy 5 of the Core Strategy and Policy DM11 of the Local Plan, which seek to protect and maintain a stock of employment sites across the borough subject to the suitability of the site and location, and ensure that redevelopment and replacement of employment floorspace is of an appropriate environmental and design quality.

Conservation area

10. As a consequence of the location of the appeal site within the Brockley Conservation Area, I am mindful that I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the setting of the heritage asset (the conservation area). Section

72(1) of the Act sets out that in the exercise of planning functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

11. The appeal site is indicated to be located within *Area 1: Wickham, Breakspears, Tresillian and Tyrwhitt Roads Character Area* of the conservation area, as set out in the *Brockley Conservation Area Appraisal (2006)*. The area is described as a wealthy Victorian suburb, with the significance of this area highlighted as being reflected in the size, design and decoration of the houses, whether standalone villas, pairs of properties, or short terraces. The CA Appraisal identifies most Victorian housing in the area as having front gardens of a good size, with a conformity of building lines. Elements which are damaging or threatening to the character of the conservation area have been identified as including infill development and new build where the design bears no relation to surrounding architecture. However, unsuitable land uses including commercial garages such as the existing use of the appeal site, are considered to detract from the area's character by their untidy, poor quality buildings.
12. The existing properties along Upper Brockley Road exhibit a consistency in their positioning and relative set-back from the road, with the front elevations of the terrace 145-159 Upper Brockley Road establishing a particularly strong building line. I have also had regard to the presence of ground floor bay windows as a consistent design feature of the front elevations of the adjoining terrace, as well as the consistency in the roof form.
13. The proposed building would extend forwards of the line of the adjacent terrace created by the front elevations, to an extent consistent with the protrusion of the bay windows. However, with the existing bay windows on the adjacent terrace restricted to ground floors only, the 4-storey proposal would appear as a prominent addition at the end of the terrace within the street scene, the impact of which would be further exacerbated by the incorporation of a substantial full-height squared bay window on the same elevation, extending even further beyond the established building line on the Upper Brockley Road elevation. I am also mindful that the proposed building would essentially extend nearly to the back of the pavement along a substantial section of the Geoffrey Road frontage, where this was not observed to be a particularly characteristic form of development, albeit that I acknowledge that 161 Upper Brockley Road does possess a similar relationship through its side elevation.
14. Whilst I accept that the proposed building would be similar in scale to the neighbouring terrace, as a consequence of the differing roof forms the junction between the eaves of No. 159 Upper Brockley Road, and the parapet of the proposed development would appear as an awkward and jarring design feature, even allowing for the set-back glazed element accommodating the stair-core acting as the visual link. Whilst I accept that the proposed materials would reflect the palette of materials found within the conservation area, I am not persuaded that the detailed design and elevational treatment of the proposed building, including the use of inset balconies on the Geoffrey Road, would result in a successful architectural solution which would relate sympathetically to the character and appearance of the adjoining buildings and conservation area.
15. Therefore, as a consequence of the footprint, scale, and detailed design of the proposed development, the proposed development would fail to preserve or

enhance the character or appearance of the Brockley Conservation Area, and would therefore be contrary to the requirements of s72(1) of the Act. Accordingly I find that the proposal would not accord with Policies 15 and 16 of the Core Strategy, and Policies DM30, DM33, and DM36 of the Local Plan. These policies seek to ensure that all development (including infill development) is of a high quality of design, and that the value and significance of heritage assets and their settings are enhanced and conserved, including through the preservation or enhancement of the character or appearance of conservation areas. In accordance with paragraph 134 of the Framework, I find that the works cause less than substantial harm for the reasons described, and whilst I am mindful that the proposed development would result in the removal of a harmful form of development from the conservation area, as well as providing a limited boost to local housing supply and the jobs market, the public benefits of the proposal would not outweigh the harm I have identified.

Other Matters

16. I have also had regard to interested parties concerns over a number of additional matters and issues related to the proposed development, including the impact on living conditions, need for commercial units, additional traffic, congestion and parking stress, and insufficient infrastructure in the area. However, I am mindful that these are not matters which would weigh in favour of the development, and in light of my conclusions below, have not therefore proved critical in assessing the planning balance.

Planning Balance

17. The proposal would represent the use of previously developed land, and would remove a harmful form of development within the conservation area. The development would provide 7 additional residential units, which would make a limited contribution towards the supply of housing in the local area. The local economy would also have the potential to experience some limited benefit both during the period of construction, and following occupation in respect of both spending and jobs provision. The proposed development would be situated in an accessible location for public transport and have good access to local services and facilities in the immediate area. I have also noted the proposed intention to incorporate a green roof into the design of the scheme as a benefit in respect of the sustainability approach to the design.
18. Nevertheless, whilst acknowledging the above benefits, and also that the provision of the replacement employment floorspace would be adequate, for the reasons I have already set out above, I have found that the proposal would not preserve or enhance the character or appearance of the conservation area. As a consequence, the development would not be in accordance with the Development Plan. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.

Conclusion

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

M Seaton

INSPECTOR