The Planning Inspectorate

Appeal Decision

Site visit made on 15 January 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1st February 2019

Appeal Ref: APP/C5690/W/18/3196150
305 Marvels Lane, Grove Park, London, SE12 9PT

- 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 Tim Horrell (JT Build) against the decision of London Borough of Lewisham.
- The application Ref DC/17/104161, dated 18 October 2017, was refused by notice dated 24 January 2018.
- The development proposed is the erection of block of 2no. apartments with associated amenity, cycle storage, and bins storage.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site is located behind Nos 305 and 305a Marvels Lane and forms a vacant plot, accessed via Dunkery Road. The area is residential in character with 2-storey terraced buildings which appear to have been developed as part of a wider estate developed during the first half of the 20th Century. Dwellings are located on long narrow plots and are set back from the road and typically have hipped roofs, full height gabled bay windows and are of brick, tile and render construction. The estate has a uniform and cohesive character in terms of architecture and layout with a strong building line.

4. Typically, dwellings within the area which occupy corner plots have a more generous width. No 305a Marvels Lane forms an infill plot to the corner as a single storey dwelling and No 1a Dunkery Road also forms an infill development which comprises of a 2-storey detached dwelling dating from c1970. These developments respect the general layout and footprint of dwellings in the area, although they are visibly different in terms of their architectural character.

5. The proposed building would be 2-storey in height, with a ridge height set slightly lower than Nos 1a and 1 Dunkery Road. It would be double fronted with a central door with inverted terrace above and would accommodate 2 flats, one on each level. The dwelling would be positioned forward of No 1a Dunkery Road, as well as the rest of the terraced dwellings along its length. It would have a brick exterior with large picture windows and full height glazing

to the terrace and to the ground floor front elevation, to the left hand side of the door as viewed from the road.

6. The proposed development would have a stark and distinctive appearance which would pay little attention to the general character of development in the locality. The site is challenging as the depth of the plot is limited and has a wide frontage to the street, in comparison to the narrow linear plots prevalent in the area. The building has been designed to extend across the majority of the width of the site with a side access to the eastern boundary with Nos 305 and 305a and a small set in from the boundary with No 1a.

7. Based upon the width of the proposed development and its detailed design, I consider that the development would have a distinctly horizontal emphasis due to its width and the form of the fenestration. This would not be broken up to any great consequence by the upper terrace and the overall design would be that of an individual block which would have a jarring and incongruous massing and appearance.

8. In terms of its architectural character, this appears to emulate the adjacent building at No 1a, being of brick construction with a relatively shallow pitched roof and wide picture windows. While there are examples of semi-detached dwellings in the area of comparable width to the proposed development, as a single unit with a central door the design would be in a marked contrast to semi-detached dwellings in the area.

9. This effect would be compounded by the positioning of the development set forward of the building line along Dunkery Road. I acknowledge that this would align with the flank elevation to No 305a and would be below the 45 degree angle to No 1a. However, as a new development fronting onto Dunkery Road, it would be read in that context and given the overall width of the proposals would appear as a dominant and prominent addition to the street scene. This effect would not be diminished by the separation from properties across the road.

10. I am aware that there have been a number of schemes at the site which have been dismissed at appeal[1] and that the appellant has sought to overcome the concerns raised by those Inspectors. I have not been provided with full details, including layouts and plans, of the previous schemes however I am aware of the concerns raised in terms of the positioning within the plot and the width. In general terms, I consider that my findings relating to harm arising from the mass, appearance and positioning are not inconsistent with my colleagues. In any case, I have determined the appeal proposals based upon the evidence before me.

11. Overall the development would cause harm to the character and appearance of the area. The proposal is contrary to the Lewisham Core Strategy 2011. The development also conflicts with Policies DM Policy 33 and DM Policy 33. Together these policies require high quality design which contributes to local distinctiveness including relating to plot widths and building features and is sensitive to the existing design quality of the streetscape.

[1] APP/C5690/W/17/3174914, APP/C5690/W/17/3174926 & APP/C5690/W/16/3153963

Planning Balance

12. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

13. As material considerations in support of the scheme, my attention has been drawn to the critical need for new housing and the need to open up the housing market to smaller innovative buildings and use small sites as set out in the revised National Planning Policy Framework (the Framework) and the Housing White Paper, published in February 2017. The creation of additional housing does weigh in favour of the proposed scheme. I note that there were no objections from statutory consultees and that no other harms were identified by the Council from the revised scheme before me.

14. The appellant also references the draft London Plan 2018 whereby it is considered that such policies carry weight in favour of the development while recognising that this remains unadopted. I have not been provided with any details of the updated status of the policies referenced in terms of whether these have been examined, any amendments which may have occurred and details of outstanding objections. These factors limit the weight I can attach to these.

15. In any case, even if I were able to attach greater weight, from those policies supplied, I consider that the development would fail to respond to local context by delivering building that are positioned and or a scale, character, appearance and shape that responds to the identity and character of the locality, as required by draft Policy D1.

16. I also do not accept that the age of the policies of the adopted development plan as quoted by the Council render these to be of questionable relevance, as claimed by the appellant. Those policies are entirely consistent with the design aims of the Framework.

17. On balance, I do not consider that the benefits of the scheme would outweigh the harm I have found to character and appearance and the conflict with the development plan in this regard.

Conclusion

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

C Searson

INSPECTOR