
Appeal Decision

Site visit made on 11 June 2019

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Appeal Ref: APP/C5690/W/19/3225230
2 Radlett Avenue, London, SE26 4BZ

- 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 J Taylor against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/110267, dated 20 December 2018, was refused by notice dated 22 February 2019.
 - The development proposed is the erection of two storey, 3 bed dwelling (with basement) with associated landscaping, bin and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey, 3 bed dwelling (with basement) with associated landscaping, bin and cycle storage at 2 Radlett Avenue, London, SE26 4BZ in accordance with the terms of the application, Ref DC/18/110267, dated 20 December 2018, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Reference has been made to the recent planning history of the site, which includes a proposal to erect a dwelling on the site that resulted in an unsuccessful appeal¹. A subsequent successful appeal followed the Council's refusal to grant permission for a double garage².
3. The Council granted planning permission for the formation of a basement alongside 2 Radlett Avenue in 2017. The following year, planning permission was granted for the construction of a double garage together with the construction of a first floor side extension at the appeal property. The recent planning history of the site is material to my considerations attracting due weight.
4. The appeal site is located on the fringes of the Forest Hill Conservation Area (CA).
5. I was requested to assess the proposal from within a neighbouring property, 48 Thorpewood Avenue, which I did. Construction works were evident at the site during my visit. The appellant confirms that these involve the construction of a basement.

¹ APP/C5690/A/13/2202976

² APP/C5690/D/17/3167018

Main issues

6. The main issues are: (a) the effect of the proposed development on the character and appearance of its surroundings, and (b) the effect of the proposals on the living conditions of neighbouring residents in Thorpewood Avenue, and the future adequacy of living conditions for the residents of No.2 Radlett Avenue and future occupants of the proposed dwelling with particular reference to external amenity space.

Reasons

7. The appeal property is a semi-detached dwelling of distinct suburban appearance. It forms one half of a pair of three similarly designed pairs of dwellings on this side of a short cul-de-sac. Most of the dwellings, including the appeal property, show signs of having undergone significant alteration, extension or modification since they were originally built.
8. The appellant argues that circumstances have changed materially since the 2014 appeal relating to the erection of a dwelling house on the site. Reference is made to the various planning permissions granted since, and the changes in development plan policy and planning guidance. Of particular note is the planning permission granted by the Council for a 2-storey extension and garage on the site in 2018³.
9. The Council acknowledges the existence of the 2018 permission as a material consideration but argues that its *'impact ...would not be as disruptive as the proposed new dwelling, as the garage is limited to single storey height, and the first floor extension would have approximately half the width of the host property, whilst including a significant set-back from the front elevation. This clearly reads as an extension to an existing property, rather than having the appearance of a new dwelling which has been squeezed in to a plot, which is not really large enough to accommodate.'*
10. I disagree with the Council when it says that the combined garage and two storey extension would not be as disruptive as the appeal proposal. The proposed new dwelling's design in my view would be visually preferable to the development subject of the 2018 permission, which I find rather contrived and discordant. The permitted 2018 scheme displays a mixture of two and single storey development that, in my view, would not marry as well with the original structure.
11. As the Council says, the scale of the current proposal would be greater than that previously approved, but to my mind its superior design and appearance would ensure that it fits acceptably into the street scene, taking account of the composition and design of the other dwellings on the same side of the street. The front elevation's design, including the double bay feature, closely matches that of the extant dwellings, and a hipped roof is restored.
12. Whilst the pair would be changed to a small terrace of three properties, the resultant development would not, in my view, appear cramped, as suggested by the Council. The space between the site and the rear of the Radlet Avenue properties would be sufficient to ensure that this perception would not arise and that the visual consequences would not prove harmful.

³ DC/18/105608, dated 19 July 2018.

13. I note the previous Inspector's views on symmetry, but the appeal property has a gabled roof whilst that of its adjoining neighbour is hipped. It also has a large roof extension. The extensions granted permission since the 2014 appeal, if implemented, would serve to further unbalance the pair. Due to its increased scale, the proposed dwelling would have a marginally greater impact on the setting of the adjacent CA than the latest extension permitted, but insufficient to cause such harm as to render it unacceptable for this reason.
14. I therefore conclude that the proposed extension would sit harmoniously in its visual and spatial context without harming the character and appearance of the host property, or the street scene generally. Accordingly, I find no material conflict with those provisions of policies 3.5B of the London Plan, policy 15 of the Lewisham Local Development Framework Core Strategy and DM policies 30, 32 & 33 of the Lewisham Local Development Framework Development Management Local Plan (DMLP) directed to ensuring good design and to protecting local character, especially on infill sites such as this.

Living conditions

15. DMLP policy DM 32 is directed to Housing Design, layout and space standards and, in respect of new-build housing development requires, amongst other matters, that it should be *'provided with a readily accessible, secure, private and usable external space and include space suitable for children's play'*.
16. One effect of building the proposed new dwelling would be to significantly reduce the amount of external amenity space available to the residents of No.2 Radlett Avenue. The Council says that *'the loss of the entirety of this area...would leave this family sized dwelling with an inadequately sized amenity space'*.
17. With regard to the amenity space provision for the proposed dwelling, it considers that, in combination, the proposed rear and side gardens are insufficiently large, and of dubious quality due to their shape, and unsuitable for children. In support of its stance, the Council points to the conclusions reached by the Inspector on this issue in 2014.
18. However, the DMLP had not been adopted at that time, and the Greater London Authority's external amenity space standards⁴ have also been published since, as part of the implementation framework of the London Plan. The Council acknowledges that those standards are satisfied, indeed the minimum standards specified in the Guidance is significantly exceeded both for the proposed and existing dwelling.
19. Both sets of amenity space are readily accessible, and could be rendered secure and private. They would be acceptably useable, and, in my view, also suitable for children's play. Moreover, I noted that the entrance to a small park is sited about 50m or so from the appeal site at the end of the cul-de-sac. This displays an equipped children playground, kick-about areas, and running space. This facility should more than adequately compensate for the fact that the garden areas of both the proposed dwelling and No.2 would be smaller than those of other nearby dwellings.

⁴ HOUSING SUPPLEMENTARY PLANNING GUIDANCE March 2016 (SPG)

20. Residents of those houses in Thorpewood Avenue backing onto the appeal site have expressed concern. Some of their concerns relate to matters that are beyond my remit. However, I called at one of the properties to assess aspects relating to outlook, visual impact, disturbance and privacy. The previous Inspector was also called upon to assess such issues and said:

'..whilst the effect of the proposal would be to bring a flank elevation of a building several metres closer to the Thorpewood Avenue properties, the fact remains that the new dwelling would be at the end of the gardens of those houses and that these gardens are of a substantial length. Furthermore, the Thorpewood Avenue houses are at a noticeably higher level than Radlett Avenue.

Taking these factors together, although the outlook from the rooms and gardens of Nos. 46-50 Thorpewood Avenue would change as a result of the development, it would not be significantly different. This is particularly the case because the view would still be of a flank elevation, albeit of the additional property instead of the host dwelling. The alteration from a gable to a hipped roof would also be different, but again this would not cause a material loss of outlook.

In respect of the effect on privacy, no windows or doors are proposed for the flank elevation and views from the front and rear of the proposed dwelling would not be directly towards the houses which both the Council and the objectors consider would be affected. As regards activity, noise and disturbance I can see no reason why an additional dwelling of modest size in an existing residential area would have any noticeable impact on the living conditions for the occupiers of the existing dwellings.'

21. For the reasons already provided, I have differed from the previous Inspector on aspects of the development. However, having assessed the proposal from No.48 Thorpewood Avenue, whose rear boundary adjoins the side boundary of the appeal site, I share the previous Inspector's assessment on this issue. In this regard, above ground, the previous and current proposals are not dissimilar. The impact of the development, whilst noticeable, would not prove harmful to neighbouring occupiers, particularly since the rear gardens of Thorpewood Avenue are of sufficient length to provide an adequate buffer. I note too that the Council did not support local residents in terms of the alleged effect on their living conditions.
22. I therefore conclude that the the living conditions of neighbouring occupants in Thorpewood Avenue would not be adversely affected. I also conclude that the external amenity space available to the residents of No.2 Radlett Avenue and the occupants of the proposed dwelling are acceptable and compliant with the requirements of DMLP policy DM 32 and the SPG supplementing the London Plan.

Conditions

23. The Council has suggested a number of conditions in the event of planning permission being granted. I find that most are required, albeit they require modification or rewording in part.
24. The Council suggests a condition requiring the materials to be used on the external faces of the development to be approved. This and the Council's suggested landscaping and means of enclosure conditions are considered necessary in the interests of visual amenity.
25. It is also necessary, in the interests of certainty that the development is carried out in accordance with the approved plans.

26. So as to protect local residential amenity, conditions are imposed relating to construction management and hours of operation.
27. A condition requiring further details of the proposed cycle, refuse and recycling facilities to be provided, in the interests of the future living conditions of residents. Since the submitted drawings are ambivalent on the issue of car parking, details of this aspect are also sought, if car parking provision is to be made.

Other matters

28. All other matters raised in the representations have been considered and taken into account, including the views of the several local residents who objected. I have already dealt with the planning related matters raised. The matter of a possible reduction in property value is not a material planning consideration, and the possibility of structural damage/instability being caused is a private matter between the parties concerned.
29. No other matter raised is of sufficient strength or significance to persuade me to alter my conclusions. Accordingly, for the reasons set out above, the appeal is allowed.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 16323/01 A; 16323/02; 16323/03; 16323/05; 18321/01; 18321/02; 18321/03; 18321/04; 18321/05; 18321/06; 18321/07; 18321/08; 18321/09; 18321/10 & Site Location Plan.
3. Prior to the first occupation of the dwelling, full details of the proposed car & cycle parking, refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority. All car & cycle parking spaces, refuse and recycling facilities shall be provided and made available for use prior to occupation of the development and shall be retained thereafter.
4. No development above ground level shall commence until a schedule of all materials and finishes, windows, doors and roof coverings to be used on the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

(a) The rationalization of travel and traffic routes to and from the site by construction vehicles.

(b) Details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(c) Measures to deal with safe pedestrian movement past the site.

The measures specified in the approved details shall be adhered to during the period of construction.

6. (a) A scheme of hard and soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

(c) All hard landscaping works forming part of the approved scheme shall be completed prior to the occupation of the dwelling hereby permitted.

7. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.
8. No works whatsoever shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.
9. Prior to the occupation of the dwelling hereby permitted, details of the proposed boundary treatments including any gates, walls or fences shall be submitted to the local planning authority for its written approval. The approved boundary treatments shall be implemented prior to the occupation of the dwelling and shall thereafter be retained in perpetuity.