



Appeal Decision

Site visit made on 1 July 2019

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/C5690/W/19/3227069

Land at the rear of 25 Sydenham Road, London SE26 5EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Wilson against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/17/102244, dated 23 June 2017, was refused by notice dated 18 October 2018.
 - The development proposed is described as erection of a single storey office block at the rear of 25 Sydenham Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My attention has been drawn by third parties to ongoing legal proceedings relating to rights of access in relation to the appeal site. These matters are outside of the provisions of a s78 appeal. I must proceed on the basis of the planning proposal before me.

Main Issues

3. The main issues in this case are (i) whether the development would have adequate means of access and servicing; and (ii) the effect of the proposed development on the character and appearance of the Sydenham Thorpes Conservation Area.

Reasons

Access & Servicing

4. The site is within an accessible location. Access is via a shared alleyway from Silverdale, I understand No's. 25 and 27 Sydenham Road which comprise retail and residential units share the alleyway and have rights of access through the site. The alleyway is narrow leading to the appeal site which is an area of hardstanding. The proposed development would not have provision to allow vehicles entering the site to manoeuvre and leave in a forward gear.
5. The plans submitted do not confirm that the alleyway is within the sole ownership of the appellant. I therefore cannot be certain that neighbouring properties would not use the alleyway by vehicles. There is no mechanism before me which would restrict vehicular access and it would not be reasonable

to impose a planning condition. I am not persuaded that vehicles or pedestrians would have a safe and convenient access to the site via the narrow shared alleyway.

6. The submitted plan (Dwg No. 127-GA-1000-A) details that 2 cycle parking spaces would be provided; however, the Design and Access Statement indicate 5 secure cycle parking spaces would be provided. No substantive evidence has been provided to confirm that the amount of cycle provision shown on the plan would not meet the needs of the development.
7. Refuse storage is proposed to be contained within the site, no substantive evidence has been provided to demonstrate that the refuse storage proposed would not meet the needs of the proposed development and I note that the Council do not raise this as an issue.
8. Whilst refuse storage and cycle parking are appropriate for the proposed development, I conclude that the proposed development would not have adequate means of access and servicing. There is conflict with Policy 15 of the Lewisham local development framework, Core Strategy, Development plan document (2011) (the Core Strategy) and Policy 33 of the Lewisham local development framework, Development Management Local Plan (2014) (the Local Plan) which seek amongst other things high quality design which have proper means of access and servicing which is convenient and safe both for drivers and pedestrians.

Character and Appearance

9. The site is within a mixed-use area, and comprises a plot of land to the rear of No's. 23 and 25 Sydenham Road and 2 Silverdale. The area comprises hardstanding accessed via a shared gated alleyway between No. 2 Silverdale and a former postal sorting office on Silverdale.
10. The site lies within the Sydenham Thorpes Conservation Area (CA). In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character and appearance of the area.
11. The CA is characterised by uniform brick buildings, predominantly in a terraced form, although there are exceptions in the immediate area of the appeal site such as No. 2 Silverdale and the adjacent former postal sorting office. The urban form in the immediate area of the site is dense and according to the Council the area to the rear of Sydenham Road has been developed in an adhoc manner with no particular historic pattern of development. The traditional brick terraced buildings play a role in defining the historic character of the area which is part of the CA's significance as a heritage asset, however the appeal plot does not have important features which contribute to the significance of the CA.
12. The proposed development is a contemporary simple design with a low form. The proposed development would be located between different built forms, the rear of Sydenham Road, 2 Silverdale, the former postal sorting office and a single storey extension/building to the rear of 27 Sydenham Road.
13. The single storey development at the rear of 27 Sydenham Road is of a similar scale to the proposed development and from my site visits appears to have

been in-situ for some time. The Council have confirmed that they have no planning history for the structure, however I have no substantive evidence to suggest it is unlawful.

14. The Council confirm that low form and simple massing of the building is appropriate in this location and will read as subordinate to the historic buildings, I do not disagree. In terms of the materials proposed, whilst these are not traditional, due to the adhoc nature of the area along with limited public views of the site, the proposed development would not be incongruous to the area. Whilst neighbouring properties would overlook the site, I do not find the proposed development would visually detract from the significance of the CA.
15. Access from Silverdale to the hardstanding is relatively narrow opening out onto the existing area of hardstanding. The constrained size of the site and the scale of the proposed development would reduce the open nature of the area of hard standing, and would result in the formation of a narrow access pathway for the occupants of the neighbouring flats. This access would become dark for neighbouring residents; however, I have not been provided with substantive evidence as to how this could not be addressed through appropriate lighting which could be secured by the imposition of a planning condition.
16. I have not been provided with substantive evidence with regard to any anti-social behaviour currently experienced at the site, however the proposed development would allow natural surveillance of the site during office hours and additional security measures could be secured as part of the development through the imposition of a planning condition.
17. My attention has been drawn by a third party and the appellant to the former postal sorting office which is a non-designated asset. Substantive evidence has not been provided by the parties with regard to its local, historic or architectural interest. Notwithstanding this I noted during my site visit that the building is a red brick late Victorian building with sash window and ornate detailing to the front. To the rear is a single storey extension set off the shared boundary with the appeal site. The proposed development would be in close proximity to the non-designated asset however due to the scale and positioning it would not diminish the visual appearance or setting of the adjacent postal sorting office.
18. Taking all these factors into account, the proposal would not detract from the significance of the CA. The character and appearance of conservation area would not be affected and the immediate surroundings would be preserved.
19. I therefore conclude that the proposal would not harm the character and appearance of the Sydenham Thorpes Conservation Area. There is no conflict with Policy 15 of the Core Strategy, and Policies 30 and 36 of the Local Plan which amongst other things seek to achieve high quality design and protection of heritage assets.
20. The proposed development would support the aims of the National Planning Policy Framework (2019) (the Framework) in terms of conserving and enhancing the historic environment.

Other Issues

21. The site is within an Area of Archaeological Priority; however, the Council have not raised the presence of archaeological interest as an issue and I have no substantive evidence before me to suggest that there is a likelihood of archaeological interest being present on the site.
22. Notwithstanding the objections which have been submitted, the Council has considered the effect the proposed development would have on the surrounding properties. I have no reason to disagree with the Council's findings, other than relating to the effect of the pathway on the neighbouring properties as outline above.

Planning Balance

23. I have concluded that there would not be harm to the character and appearance of the Sydenham Thorpes Conservation Area, however this does not outweigh the harm I have identified in terms of access and servicing.

Conclusion

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

C Pipe

INSPECTOR