



Appeal Decisions

Site visit made on 11 June 2019

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal A Ref: C5690/W/18/3217538

68b Bovill Road, Crofton Park, London SE23 1EJ

- 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 Matthew Johnson against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/106898, dated 29 May 2018, was refused by notice dated 5 September 2018.
 - The development proposed is extension and subdivision of an existing residential apartment to create two x 1 bed self contained apartments.
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Appeal B Ref: C5690/W/18/3227215

Land to rear of 68 & 70 Bovill Road, Crofton Park, London SE23 1EJ

- 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 Matthew Johnson against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/109875, dated 23 November 2018, was refused by notice dated 4 March 2019.
 - The development proposed is redevelopment of two existing single storey garages to create two x 1 bed self contained apartments.
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Decisions

Appeal A Ref: C5690/W/18/3217538

1. The appeal is allowed and planning permission is granted for an extension and subdivision of an existing residential apartment to create two x 1 bed self contained apartments at 68b Bovill Road, Crofton Park, London SE23 1EJ in accordance with the terms of the application Ref DC/18/106898, dated 29 May 2018, subject to the conditions set out in the attached schedule.

Appeal B Ref: C5690/W/18/3227215

2. The appeal is dismissed.

Main Issues

3. The main issue in Appeal A is the effect of the development on the character and appearance of the host property and its surroundings.
4. The main issues in Appeal B are (a) the effect of the development on the street scene, and (b) the adequacy of the living conditions for future residents of the

proposed apartments and the existing residents of the ground floor flat at 70 Bovill Road, with particular reference to internal and external spaces, privacy, light and outlook.

Reasons

Appeal A & B: The street scene

5. The appeal property stands at the end of a small terrace of similarly designed Victorian properties displaying butterfly roofs, and is sub-divided into flats. It is located on a corner at the junction of Bovill Road and Ebsworth Road, is clad in London stock brick. A two storey element, an outrigger, protrudes at the rear along the Ebsworth Road frontage. A garage and other outbuildings, predominantly used for storage, occupy the space between the outrigger and 1 Ebsworth Road. With the exception of a more modern infill development on the opposite side of the road from the appeal site, Ebsworth Road is comprised of attractive terraces of red-bricked dwellings of an Edwardian appearance.
6. In the development subject of appeal A the appellant proposes building another storey above the rear protrusion of the property, together with internal alterations. It would be built with a flat roof and in contrasting external materials, being zinc clad. The Council's objection is based on the scheme's design. It is contended that the extension does not reflect the existing architectural properties of the building or terrace, and is insufficiently subservient in terms of its scale. The pattern of the proposed fenestration is also objectionable, in the Council's view. The Council therefore considers that the extension would appear incongruous in the street scene.
7. I do not view the extension in the same light. The rectangular shape of the extension would reflect the angularity of the host property and the Victorian terrace as a whole. I do not find its scale inappropriate in its context – the original appeal property and terrace would remain by far the dominant elements. The use of contrasting materials would attract the eye, but it would add visual interest to the composition of the building as a whole. Since the extension would clearly be viewed as a contrasting feature on an extant building, the pattern of fenestration need not strictly replicate that which currently exists.
8. Turning to the proposal subject of appeal B, the intention is to clear the existing outbuildings and to replace them with a new, two storey building housing 2 apartments. The building would occupy the entire length of the cleared frontage between 68 Bovill Road's rear protrusion and 1 Ebsworth Road's side elevation, albeit that the front of the new building would project forward of No 1's front elevation. The architectural treatment of the principal elevation facing Ebsworth Road would be distinctly contemporary, incorporating substantial elements of glazing.
9. The Council does not object to the principle of utilizing modern design, but is concerned with other aspects of the design, notably the proposal's relationship with the buildings either side; its scale and mass, and that it would have a deleterious effect on the streetscape by closing the gap above the existing outbuildings. In this regard the Council has referred in support of its arguments to another appeal decision¹ affecting a gap. This decision carries

¹ APP/C5690/W/18/3199854

very little weight in my considerations since I am unaware of all the circumstances.

10. The appellant argues otherwise, and considers that the gap is not of a significant value in townscape terms, and the buildings currently occupying it detract from the street scene. It is said that the development, is of an attractive contemporary design of an acceptable scale, presenting the opportunity to build much-needed homes on previously developed land, a type of scheme encouraged in the Framework².
11. The gap is not an uncharacteristic feature of return frontages such as this in the locality. They perform a useful planning or streetscape function, such as in this case, providing a clear separation between disparate forms of development, so that they remain clearly distinguishable. I acknowledge that the buildings currently standing in the gap reduce its value to a degree. However, the proposal, if allowed, in view of its scale and mass, would obliterate the gap by introducing a continuous terrace comprised of a variety of styles standing disharmoniously next to each other. Its relationship with 1 Ebsworth Road would prove visually clumsy as would its relationship with the outrigger to the appeal property, whose extension I intend to permit. I therefore share the Council's view that this would prove to be an incongruous development harming the street scene.
12. I conclude in respect of Appeal A that the scheme would be an acceptable addition to the property that could be carried out without harming the character and appearance of the host property or its surroundings. For the reasons provided above, I conclude that the scheme subject of appeal B would harm the street scene, conflicting with those provisions of policies 7.4 & 7.6 of the London Plan and policy 15 of the Lewisham Core Strategy directed to deliver high quality design. The scheme subject of Appeal A is in accord with the main provisions of these policies.

Appeal B: Living conditions

13. The Council considers that the floor area of the ground floor unit of the proposed apartments and the amount of external amenity area provided fall short of the minimum standards in respect of adopted internal and external space standards³. The appellant disputes this and claims that the Council has incorrectly measured the drawings. The difference in measurement between the parties is minimal, but even if the Council's calculations were correct the deficiency in achieving the appropriate standards would be so negligible that it would not, in itself, justify a refusal of planning permission.
14. I saw the window of concern to the Council serving 70 Bovill Road. It is a small window set at a relatively low level, currently providing very little outlook or light to No 70's occupants given the close proximity of buildings or structures. I share the appellant's view, for the same reasons, that the scheme would not make matters materially worse for No 70's residents.
15. The front elevation of the proposed ground floor unit would be set back from the back of footway by about a metre, in which storage areas and plants would be accommodated. However, the design proposes substantial amounts of glazing at ground floor level serving the main living area and a bedroom. In

² National Planning Policy Framework

³ London Plan Housing Supplementary Planning Guidance

view of the close proximity of the footpath, and the nature of the design, passers-by could see clearly into these habitable rooms at close quarters, materially and unacceptably affecting future residents' privacy.

16. I therefore conclude, whilst not sharing the Council's concerns on some aspects relating to living conditions, that I find its concerns on privacy to be compelling. Accordingly, a conflict arises with those provisions of DM policy 32 directed to providing, in all new housing developments, a satisfactory level of privacy for its future residents.
17. I shall therefore dismiss appeal B for the reasons provided above.
18. However, I shall allow appeal A, and now turn to the issue of the Council's suggested conditions. I shall impose the requirement in respect of external materials in the interests of visual amenity. Also imposed, albeit in a different format, are the Council's suggestions on refuse and cycle storage facilities, in the interests of general residential amenity.
19. It is also necessary, for the avoidance of doubt that the scheme is built in accordance with the approved plans.
20. All other matters raised in the representations have been taken into account, including the views of local residents and the references to development plan policies other than those referred to in these decisions. The policies I have referred to are considered the most relevant having regard to the circumstances of this case. No other matter raised is of such strength or significance as to persuade me to alter my conclusions.

G Powys Jones

INSPECTOR

Appeal A - 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: The OS location plan and Drawing Nos. 18-1308-01E; 18-1308-02B; 18-1308-03C & 18-1308-04D.
3. No development above ground shall commence until the following details have been submitted for the local planning authority's approval, which shall be obtained in writing: (a) samples of the proposed zinc external cladding, and (b) provision for the storage of refuse, recycling and cycles. The development shall be carried out in accordance with the approved details prior to the occupation of the development hereby permitted. The approved storage facilities shall thereafter be retained in perpetuity.