
Appeal Decision

Site visit made on 16 September 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2019

Appeal Ref: APP/C5690/W/19/3232766

3 Chilthorne Close, London SE6 4YW

- 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 Waleed Khan against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110951, dated 11 February 2019, was refused by notice dated 2 May 2019.
 - The development proposed is described as the erection of a new dwelling house on land adjacent to no. 3 Chilthorne Close.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development was described more particularly in the Council's notice of its decision on the application, as the 'construction of a three storey 3-bedroom end terrace dwellinghouse including parking and bin and cycle store on land to the side of 3 Chilthorne Close, SE6, together with construction of a vehicle crossover onto Chilthorne Close'.
3. Amended plans and a Daylight and Sunlight Assessment were submitted with the appeal, and the Council confirms that these overcome certain of its objections to the proposal. The removal of the bin and cycle store is welcomed by the Council. It is also accepted that the daylight and sunlight impacts would be within BRE guidelines. I do not consider that the interests of any third parties would be prejudiced by the changes resulting from these amended plans, and so I accept them for consideration.

Main Issues

4. The main issues arising in the appeal are:
 - (i) the effect of the proposed development on the character and appearance of the area; and
 - (ii) the effect of the proposed development on the living conditions of neighbouring occupiers particularly those of No 3 Chilthorne Close, having particular regard to outlook and light.

Reasons

Character and appearance

5. Nos 1 – 3 Chilthorne Close are 3 storey dwellings originally constructed as part of a planned estate development. They are similar in appearance, having similar fenestration to the front and rear although No 1 is timber- rather than tile-hung. To the north of No 1, No 1A is of more recent construction but is similar in appearance to its neighbour. The terrace is stepped, with each dwelling set a little further east than the neighbour to its north, with the land also falling away to the east.
6. The proposed development is to add a further dwelling to the terrace, to its southern end. The site is presently an under-used area of garden, abutting a private access lane leading to garages associated with the dwellings on the estate.
7. The proposed dwelling would be of a commensurate height and size with its northern neighbours, but would nonetheless be significantly different in appearance. It would be set back from the adjoining property at No 3 by 0.5m to the east at the front and 1.6m at the rear above the ground floor, and 4m at the rear at the ground floor. The ridge height would be slightly set down, although not by as much as the difference between No 3 and its own northern neighbour at No 2. In these respects, although the dwelling would be rather narrower than its neighbour, the proposal would be consonant with the existing dwellings.
8. However in other respects the proposal would significantly differ from the remainder of the terrace, and would upset the rhythm of it. The eaves would be higher than those at No 3, disturbing the pattern of progressive height reduction. The fenestration would consist of large casement windows in marked contrast to the smaller and similar window patterns in the remainder of the terrace. To the rear, a large dormer window is proposed that would disrupt the established roof pattern. Taken together these factors would result in a dwelling that would not be in keeping with or sympathetic to the local character or vernacular.
9. Therefore on this issue I conclude that the proposed dwelling would, as the result of its incongruous roof form and fenestration, not make a positive contribution to the area as Policy 33 of the Lewisham Development Management Local Plan of 2014 ('the DMLP') requires. It would also conflict with DMLP Policy 30 requiring a high standard of design, and with policies 7.4 and 7.6 of the London Plan that require a positive contribution to local character. These policies are consistent with the requirements of the National Planning Policy Framework ('the Framework') to achieve sympathetic and visually attractive developments and I accord them substantial weight.

Living conditions

10. The Daylight and Sunlight Assessment establishes that there will be no unacceptable loss of light to the habitable rooms or amenity areas of the adjoining neighbour at No 3. The proposed dwelling would project beyond the rear wall of No 3 and the Council remains concerned that the protrusion at ground floor (the 4m depth at a height of between 3.4m and 3.8m) would be overbearing to the occupiers of No 3.

11. DMLP Policy 33 is permissive of infill developments where no loss of amenity to adjacent houses or gardens results. The habitable rooms at No 3 appear to be on the far side of the house, and, although the ground floor projection would be discernible to its occupiers on oblique views from the house and when using their garden area, I do not consider that it would appear unduly overbearing to them. As the Council notes, the land falls away to the south and this would help reduce the perception of the rearward projection of the proposed development which would for the most part replace the existing boundary fence. Therefore, I do not consider that the proposal conflicts with the development plan in this respect.

Conclusion

12. Although I do not find the proposed development to result in any unacceptable impacts on the living conditions of adjacent neighbours, I do find it to be contrary to the development plan's requirements concerning design quality and local character. I have had regard to all matters raised in the appeal but no considerations are of sufficient weight to warrant setting the development plan aside. Therefore, the appeal is dismissed.

Laura Renaudon

INSPECTOR