



Appeal Decision

Site visit made on 16 September 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/C5690/W/19/3231917

Land off Springbank Road, Hither Green, London, SE13 6SN

- 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 Dickens LLP against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/109200, dated 3 October 2018, was refused by notice dated 28 January 2019.
 - The development proposed is the construction of a 4 storey building on land to the rear of 41-43 Nightingale Grove SE13, fronting Springbank Road, comprising 2 business units (Use Class B1) on the ground floor, 3 one-bedroom and 3 two-bedroom self contained flats on the upper floors, incorporating a roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect on
 - the living conditions of the occupants of No.17 Springbank Road ("No.17"), with particular regard to whether or not the proposal would create an overbearing effect; and
 - the character and appearance of the area.

Background

3. Planning permission was granted in 2012 for a similar development on the site. Shortly before that, permission was granted for the development of the adjacent site to the west. The latter scheme was subsequently built out, with modern 3 storey townhouses directly adjacent to the site. However, the planning permission on this site has now expired.
4. In consequence the site now appears as undeveloped land surrounded by buildings, with a raised railway embankment set beyond a well-used walkway found to the east. The townscape to the south along Springbank Road is varied, largely brick faced and 1-3 storeys in height. To the north there is a large community nursery building with a pitched roof, and an entrance to the railway station. Further afield on Nightingale Grove to the west of the site there are examples of taller apartment buildings, along with some industrial sites.

Reasons

Living conditions

5. To the rear of the proposed building, the plot would be infilled with a single storey flat roofed element. This would project to around 4 metres in height on the eastern garden boundary of No.17. The new wall would be considerably higher than a typical garden fence, which might ordinarily denote the boundary between properties in a built-up area. Because of its height and depth, this part of the proposal would dominate the neighbouring residential garden, enclosing it to a significant and unusual degree. It would therefore create an overbearing effect.
6. The relationship was previously found to be acceptable by the Council, before any development took place. However, the previous approval has expired, and the adjacent scheme has been completed. A reassessment of the situation is therefore justified. For the reasons set out above, the visual relationship between the two properties would be poor. It is a situation that could have been avoided through better design.
7. Consequently, there would be unacceptable harm to the living conditions of No.17, as a consequence of the overbearing effect created by the height of the single storey element of the proposal on the common boundary. For this reason, the proposal conflicts with Policy 15 of the Lewisham Core Strategy (2011) ("Core Strategy"), and DM Policy 32 of the Development Management Local Plan (2014) ("Local Plan"). These policies seek, amongst other things, to achieve high quality design which is neighbourly.
8. Whilst the main part of the new building would also project both to the front and rear of No.17, in each case the total projection would be modest. Given the gap between the buildings, this part of the proposal would not materially diminish the outlook from No.17, including principal windows within it. However, this finding does not overcome the harm described above.

Character and Appearance

9. In addition to the 3 storey townhouses described above there are bungalows, older 2 storey terraced housing, and a parade of shops rising to 3 storeys in height along Springbank Road. The presence of a significantly raised railway embankment, together with the existing variation of building heights and styles found along the road, means that the site does not form part of a uniform townscape.
10. Whilst the new building would be taller than the surrounding residential development, it would sit beside the railway embankment and large trees on it which would help to reduce its visual prominence. Viewed from the south on Springbank Road it would infill an unsightly existing gap in the built environment, providing better definition to the walkway adjacent to the site, which would be overlooked by the new building providing natural surveillance.
11. The fenestration would differ to the older buildings along the road, but the facing brickwork would generally reflect the materials used on the surrounding buildings. Overall, the height and appearance of the proposal would fit effectively into this varied streetscape. Given the presence of other taller buildings found in the wider surrounding area, including those on Nightingale

Grove, the proposed mixed-use building would broadly respect the existing urban typology of the site and its surroundings.

12. The bulk of the new building would face directly on to the pavement, projecting forward of the neighbouring townhouses. However, a gap would separate the two developments, which would preserve the setting of No.17 and the buildings to the west of the site. Accordingly, it would not appear unduly dominant in relation to these existing properties. Aside from the issues discussed previously in relation to the rear boundary with No.17, no harm would arise due to the fact the building would occupy the entire footprint of the site.
13. Considering the single storey bungalows on Springbank Road, the new building would be set away from these properties, across the road. As such, it would not appear unduly dominant in relation to them. Overall the proposal would integrate well with its setting and the building height is justified. Aside from the concerns raised in the first main issue, the design otherwise relates well to the surrounding built environment, and there would be no harm to the character and appearance of the area. In this respect there is no conflict with policies 7.4 and 7.6 of the London Plan (2016), DM Policy 30 of the Local Plan and Policy 15 of the Core Strategy which require, amongst other things, that new development optimises the potential of sites, is sensitive to local context and responds to local character.

Other Matters

14. The proposal delivers a mixed-use scheme involving the provision of new employment floorspace and providing 6 good quality flats, on a site that has been identified for development. It would help to regenerate this area and improve the pedestrian gateway to the railway station. In this respect, it is in line with the National Planning Policy Framework ("the Framework"), which promotes the effective use of previously developed land, objectives that are also reflected in other existing and emerging planning policies cited by the appellant, which I have had regard to in my assessment of this appeal¹.
15. These considerations, alongside the economic benefits from construction activity, weigh in favour of the proposal. However, they are not sufficient to overcome the harm that arises through the poor design of the rear part of the scheme in relation to the neighbouring property. For this reason, the proposal would not achieve a well-designed place, which is another objective of the Framework, and I attach substantial weight to the harm that would arise, in consequence.
16. The first reason for refusal also cites the Lewisham Residential Standards Supplementary Planning Document (2006, updated 2012). The Council advise that this document has now been replaced by the Lewisham Alterations and Extensions Supplementary Planning Document (2019). However, neither of these documents are of relevance to the contested matters in this decision. In particular, the most recent document primarily deals with scenarios where an existing building is being altered or extended, which would not be the case here. Accordingly, these documents do not have any bearing on my decision.
17. Reference is made to a historic planning appeal decision on the site. However, this predates the previous planning approvals on both this site and its

¹ As detailed in the relevant planning and appeal statement.

immediate neighbour. Accordingly, it is of no relevance to the harm identified in the first main issue. There are also objections to the proposal from interested parties, raising other issues to those discussed above. However, as the appeal is failing on the first main issue there is no need to consider these further.

Conclusion

18. Whilst there would be no harm to the character and appearance of the area, there would be unacceptable harm to the living conditions of the residents of No.17 through the creation of an overbearing effect. Accordingly, the proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR