
Appeal Decision

Site visit made on 8 October 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/C5690/W/19/3233821
206 Farmfield Road, Bromley BR1 4NP

- 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 Bharadia against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/112069, received by the Council on 29 April 2019, was refused by notice dated 17 July 2019.
 - The development proposed is described as "a new 3bed dwelling on land adjacent to 206 Farmfield Rd, with alterations to the existing property including repositioning the front door and erecting a 4m single storey rear extension".
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Bharadia against the Council of the London Borough of Lewisham. This application is the subject of a separate Decision.

Procedural Matter

3. The applicant has submitted amended plans in response to the second reason for refusal. However, as they acknowledge, the appeal process should not be used to evolve proposals. Therefore, notwithstanding the submissions of the appellant regarding the relationship of the proposal to the permitted development regime, I have considered the proposal on the basis of the scheme and plans which were before the Council when it made its decision.

Main Issues

4. The main issues are (i) the effect of the proposed new dwelling on the character and appearance of the area; and (ii) the effect of the proposed extension to the existing dwelling on the living conditions of the residents of the neighbouring property with specific regard to any overbearing effect.

Reasons

Character and appearance

5. Farmfield Road and the area surrounding the appeal site is an attractive, well-planned estate of largely terraced housing with a regular rhythm and form as well as symmetry in the approach to individual terraces and spaces. The houses have been variously altered, including the occasional applications of render or paint finishes. Despite this, the estate as a whole, and the immediate area surrounding the appeal site maintain an attractive, coherent and planned appearance.
6. The appeal site itself adjoins a short access road to a green space, surrounded by other houses, set somewhat behind the main street. Within the estate, there are a number of these green spaces, of various sizes, but generally with the same design approach, providing a visual break in the terracing fronting the main road, allowing views into and out of the green space, and lending visual interest and variety to the street-scene.
7. Whilst the opposite house is rendered, in terms of its form and relationship to the road, the gap, the green space and the surrounding properties, it still has an important role in the symmetry and rhythm of the street which is unaffected by its render finish.
8. The proposal would reduce this gap, and unbalance both the terrace which it would extend and the symmetry of the street-scene on either side of the access to the green space. The reduction of this gap would limit the views into and out of the green space from Farmfield Road and reduce the relief which the gap currently offers to the terraced appearance of the street. The resulting asymmetry would be at odds with both the terrace itself and the wider street-scene. The proposed new dwelling would therefore cause significant harm to the character and appearance of the area.
9. The appellant has directed my attention to a number of similar developments in the immediate area in support of the appeal proposal, including a new dwelling at 142A Farmfield Road (142A).
10. In my opinion, that dwelling demonstrates how the appeal proposal would close the gap in the street-scene, unbalance the terrace and have an unfortunate effect on the general symmetry and rhythm of the immediate street-scene. In any event, the planning policy context has changed since the granting of planning permission for 142A, and it does not set a precedent requiring me to find in favour of a development that would otherwise cause harm.
11. There are also important differences between 142A and the appeal site, which has a much more open, softly landscaped boundary to the road and junction, and the green space behind is smaller than that behind 142A. Although it is very similar to the appeal proposal, the new dwelling at 142A does not change my conclusions on the effect of the appeal proposal on the character and appearance of the area.
12. I note the appellant's comments regarding the single storey extension at 170 Farmfield Road, which also fronts onto Arcus Road. However, the context to that extension is sufficiently different to that of the appeal site that it has no bearing on my decision.

13. The appellant has submitted a number of appeal decisions to support their case regarding character and appearance and similar “*side-infill new dwellings*”. Although I have read these and reviewed the plans provided, each is sufficiently distinct from the appeal development, in terms of the location, layout and character of the proposals and their context, that although they are a material consideration, they do not outweigh the harm I have found above.
14. The appellant has also referred to, but not submitted any written details of, another recent decision on Moorside Road, which I have visited. However, I consider that it is sufficiently distinct from the site of the appeal before me in terms of the site and its relationship to its surroundings, that it has no bearing on my conclusions.
15. I also note the contents of the Lewisham Local Plan Alterations and Extensions SPD, adopted 2019 (the SPD) referred to by the appellant. Whilst this provides advice and guidance, primarily on extensions and alterations, it does not replace the need to consider the effect of a proposal on the particular character and appearance of an area. Indeed, it notes that there will always be schemes that fall outside its scope and that design needs to be sensitive to context. I consider that the proposed new dwelling falls outside the context of this document, and is, for the reasons outlined above, harmful to the character and appearance of the area.
16. The proposed new dwelling therefore conflicts with Objective 10, Spatial Policy 5 and Core Strategy Policy 15 of the Council of the London Borough of Lewisham Local Development Framework Core Strategy, adopted 2011 (the Core Strategy), as well as DM Policy 30 and DM Policy 33 of the Council of the London Borough of Lewisham Local Development Framework Development Management Local Plan, adopted 2014 (the Local Plan). These policies seek to ensure, amongst other things, that development is of high quality, sensitive to local context and responds to local character and that it has a positive relationship to existing townscape, including responding to local distinctiveness, plot widths, open spaces and views as well as the scale and alignment of existing streets.

Living conditions

17. I consider that the depth and height of the extension proposed, set immediately adjacent to the boundary with the neighbouring property, would be likely to have an overbearing appearance from, and effect on the outlook from the neighbouring property. It would therefore cause harm to the living conditions of the residents of the neighbouring property.
18. Therefore, the proposed extension to the existing dwelling conflicts with Core Strategy Policy 15 of the Core Strategy, DM Policy 30 and DM Policy 31 of the Local Plan and the SPD. These policies and guidance seek to ensure that alterations and extensions are of high quality, relate sensitively to existing development, and cause no significant loss of amenity to neighbouring properties.

Other Matters

19. The appellant suggests that the policies in the Core Strategy and Local Plan are of date due to their age, and as such, the test in paragraph 11d of the Framework should apply. In applying that test, I must also have regard to paragraph 213 of the Framework and the consistency of existing policies with the Framework.
20. Regarding character and appearance, I have set out above how the proposal conflicts with the provisions of the development plan to deliver high quality development which protects or enhances local character, is sensitive to that character and appearance, and respects the form of an area.
21. The Framework has the same aims. Notably in Section 12, which seeks to achieve good design, and within that section, makes it clear that decisions should, amongst other things ensure development adds to the overall quality of the area, is visually attractive, sympathetic to local character and maintains a strong sense of place.
22. The policies which are most important for determining the appeal within the Core Strategy and Local Plan are therefore wholly consistent with the Framework, in line with the test in paragraph 213 of the Framework and I afford them significant weight. I do not therefore consider that they are out-of-date for the purposes of this decision and the tilted balance envisaged at paragraph 11d of the Framework does not apply.
23. Notwithstanding that conclusion, even if I were to find that the policies which are most important for determining the appeal were out-of-date, the harm I have identified above to the character and appearance of the area is an adverse impact which would significantly and demonstrably outweigh the benefits offered by a single new dwelling, even acknowledging the important contribution of small sites to housing delivery, and the proposed use of suitable matching design and materials.

Conclusion

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

S Dean

INSPECTOR