The Planning Inspectorate

Appeal Decision

Site visit made on 20 August 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/C5690/W/19/3229617
213 Deptford High Street, London SE8 3NT

- 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 Vishaal & Amandeep Dovedi & Panesar against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/18/110206, dated 17 December 2018, was refused by notice dated 15 March 2019.
- The development proposed is the modernization, remodelling and extension of the existing property along with the development of a new small apartment block to the rear of the site.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the header above is taken from the planning application form. However, the description on the appeal form and the Council's decision is "demolition of the existing first floor and the structures to the rear and the construction of two storeys on top of 213 Deptford High Street, SE8, together with the construction of a 3-storey detached building to the rear to provide 5 no. 1-bed flats, and alterations to the shopfront, the installation of an external staircase to the rear and the provision of cycle and refuse storage". This more accurately describes the proposal and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the host building, (ii) whether the proposal would preserve or enhance the character or appearance of the Deptford High Street Conservation Area and (iii) whether the proposal would provide adequate living conditions for future occupants with regard to the provision of external amenity space, outlook and daylight.

Reasons

Character and appearance

4. The appeal site is a two storey, mid terrace property which includes a retail unit on the ground floor and residential unit above, which is accessed from the High Street.

5. Whilst the building is not locally or statutorily listed, it is in the Deptford High Street Conservation Area (DHSCA) and as such benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. The character of the Conservation Area arises from the variety of buildings of different ages, styles, forms and heights which reflect the historic, piecemeal rebuilding and alteration of properties in the area.

6. The appeal property, along with surrounding buildings, plays a role in defining the character of the area, which is part of the Conservation Area's distinctiveness and significance as a designated heritage asset. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Although the scheme involves reconstructing the terrace building to include two storeys over the retail unit, the Council's main objection relates to the proposed 3 storey detached rear building. The Council considers that it would not be subordinate to the host property. Although it would be lower than the extended terraced front building, its overall size and bulk would appear overly dominant in relation to its host on this constrained site. In addition, the height of the proposed building would be disproportionate to the typical single storey height of built form at the rear of the wider terrace. Whilst I acknowledge that the appeal scheme would closely follow the scale and design of the adjoining building to the north, that property is at the end of the terrace and fronts onto another road (Edward Street). It is not unusual to find two and three storey buildings occupying the rear portion of end of terrace plots because of the frontage relationship with another street. Therefore, the existence of the development at the end of the terrace does not in itself justify repeating this form at the appeal site.

8. Whilst I acknowledge that the proposed building would sit alongside an existing modern building, that building is read as part of Edward Street and is subordinate to its host property. The proposed building, by virtue of its overall scale and design would introduce unwelcome enclosure of the host building, and unacceptable erosion of the historic pattern and architectural form of the wider terrace. While the resultant harm would be less than substantial, the appeal proposals would nevertheless fail to preserve or enhance the character or appearance of the building, its wider terrace and the DHSCA.

9. I conclude that the proposal would adversely affect the character and appearance of the host building, its wider terrace and the DHSCA. This would be contrary to Policies 15 and 16 of the Lewisham Core Strategy June 2011 (CS) and Policies 30, 31, 36, and 37 of the Lewisham Development Management Local Plan November 2014 (LP). These policies relate to good quality design, requiring protection of the character of the district and conservation of the character and appearance of the heritage asset. It would also be inconsistent with the National Planning Policy Framework (the

Framework) which requires new development to make a positive contribution to local character and distinctiveness.

Living conditions

10. LP Policy 32 reflects the standards of the London Plan in respect of the provision of private outdoor amenity space, outlook and daylight. This policy also states that single person dwellings will not be supported other than in exceptional circumstances. The Council is concerned that future occupiers of proposed Flats 1 and 2 (single person units), would not have access to private outdoor amenity space and that the future occupiers of Flat 3 would have unacceptable outlook and levels of daylight. Whilst the plans show a communal courtyard space that could be used by future occupiers, this does not satisfactorily address the lack of private amenity space for these units, and the layout of the scheme would result in unsatisfactory living conditions for future occupants. The local need for single person accommodation does not justify the deficiencies identified nor do exceptional circumstances exist in this case.

11. Notwithstanding the provision to Flat 3 of dual aspect windows, the future occupants would have a very restricted outlook, either facing the rear elevation of the frontage property or through their lightwell/cycle store and then through a timber slatted screen. Given the proposed height of both the frontage building and the rear detached building in relation to Flat 3 at ground floor level, this unit would be dark and gloomy and would not provide satisfactory living conditions for future occupiers. It would not be good quality design and would conflict with Policy 32 of the LP and those principles of the Framework that seek to ensure good quality design and a good standard of amenity for existing and future occupiers of land and buildings.

12. I conclude that the scheme would not provide adequate living conditions for future occupants with regard to lack of private external living space, poor outlook and insufficient levels of daylight. This would be contrary to Policy 32 of the LP and Standard 26 of the London Plan Housing Supplementary Planning Guidance 2016, which seek to ensure that new residential developments are of a high standard of design and layout to meet the functional requirements of future residents.

Planning Balance

13. The Framework states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case, the harm to the conservation area would be less than substantial yet any public benefits arising from the proposal, for example, general renovation and rejuvenation of the site, re-use of previously developed land, provision of energy efficient accommodation and additional housing in an accessible location, do not outweigh the harm identified. This is a matter to which I give considerable importance and weight.

Other matters

14. My attention has been drawn to other developments in the vicinity of the appeal site. However, I do not have full details of those schemes and cannot therefore be certain that they are directly comparable to the proposal before me. In any case I have considered the proposal on its own merits.

Conclusion

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

S Tudhope
Inspector