The Planning Inspectorate

Appeal Decision

Site visit made on 11 December 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/C5690/W/19/3238124
Land to the rear of Vale Lodge, Perry Vale, London SE23 2LG

- 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 Better Properties Limited against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/18/110072, dated 30 November 2018, was refused by notice dated 29 March 2019.
- The development proposed is the construction of a part two/ part four storey building plus basement, incorporating terraces, comprising 1, one bedroom self-contained flat, 3, two bedroom self-contained flats, 5, three bedroom houses and 7 garages & 4 parking spaces at basement level on former garage land at rear of Vale Lodge, Perry Vale SE23, together with associated landscaping, amenity space and provision of a refuse/ recycling store and cycle spaces.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council's refusal of planning permission, an appeal has been dismissed in relation to a similar development at the site refused for similar reasons[1]. This is a material consideration in the determination of the current appeal. In the light of this decision and following the appellant's submission of revised plans removing the fourth storey stairwell run off elements and so reducing the massing of the development, the Council considers the impact of the proposal on the character and appearance of the area now to be acceptable subject to planning conditions. I have no reason to disagree with this reasoning.

Main Issues

3. The main issues therefore are

   (a) the adequacy of the proposed parking arrangements including in respect of the loss of garaging formerly on the site, and

   (b) whether the proposal would provide suitable living conditions for future occupiers with regard to light and outlook.

[1] Application Ref DC/18/105335 and Appeal Ref APP/C5690/W/19/3211146

Reasons

Parking

4. The appeal relates to a backland site that comprised 16 garages prior to their demolition a few years ago. The site lies within the curtilage of Vale Lodge a row of 4 storey flats to the south and east and is accessed from Perry Vale via a spur road adjacent to a communal lawn. To the north-east is Perry Streete a 5 storey building of flats with communal gardens abutting the appeal site's northern boundary. Immediately to the west are industrial buildings on raised land supported by retaining walls. The surrounding area is otherwise mainly residential in character with a school on the opposite side of Perry Vale.

5. The site has good access to public transport with a PTAL rating of 4 as Forest Hill railway station is about 300m to the north and there is a bus service along Perry Vale. Having regard to this rating, and to the parking standards in the London Plan in relation to the mixed size of units proposed, the provision of 9 on site parking spaces, one for each of the proposed dwellings, should be sufficient to serve the needs of future occupiers without overspill parking into the surrounding area.

6. The Council's concerns relate to the impact of displaced parking from the former garages. They and some residents dispute the appellant's claim that only 5 of the garages were leased by residents of Vale Lodge, with one unit leasing two garages and that the majority of other garages were used for storage. Regardless of this, any displaced parking would now have to revert to open parking around Vale Lodge or to on street parking. The appellant's Transport Statement by ADL dated December 2018 includes a parking stress survey carried out on two nights in June 2018. This indicates that on average there were 30 unrestricted kerbside car parking spaces unoccupied at 00:30 hours when the surveys were undertaken. The Council has cast doubt on the survey stating a preference for inclusion of scaled map plans to explicitly show where available and unavailable parking spaces were at the time of the survey. But even allowing for some inaccuracies in the survey, the extent of parking availability indicates that displaced parking from the former garages has not unduly impacted on overnight parking stress.

7. The Inspector on the previous appeal noted that existing on-street parking appeared to be at a premium. My own early afternoon site visit also revealed local parking congestion but this was close to school closing time, and the roads are also subject to commuter parking according to residents' comments. However, the previous appeal was dismissed in relation to the absence of evidence on local parking impacts; the appellant's evidence has now satisfied those concerns. The limited width of the access road to the site would be acceptable in the context of low vehicle traffic levels generated by the development and the similarity in these levels and those likely to have arisen from the use of the former garages at the site. The size and layout of the proposed parking spaces would be in accordance with normal standards.

8. The parties have referred to some uncertainty on revisions to the London Plan regarding small sites, but Paragraph 68 of the National Planning Policy Framework points to the importance of small sites such as this in meeting the housing requirement of an area. My findings on the first main issue are that the principle of residential development on the site is acceptable and that the proposal would not have a significant adverse effect on parking stress around

the site. The proposal would thereby not conflict with Core Strategy Policy 14 of the Lewisham Core Strategy Development Plan Document 2011 (CS), DM Policy 29 of the Lewisham Development Management Local Plan 2014 (DMLP) and Policy 6.13 of the London Plan 2016 which seek, amongst other requirements, to ensure that appropriate parking numbers are provided and that stress upon on-street parking capacity is avoided.

Living conditions

9. The proposed dwellings would all be dual aspect and the main living areas would all have a southerly orientation to maximise light reception. All would have a satisfactory size and layout and there would be acceptable levels of privacy between units. However, there are mature trees close to the site on several sides, the majority of which are outside the defined appeal site. The appellant's Arboricultural Report shows the trees' retention but specifies reductions to improve natural lighting to proposed windows.

10. Compared with the previous appeal scheme, the windows to the second bedrooms to flats 6 and 8 have been relocated by about 1.5m further from the canopies of horse chestnut trees to the west. These windows would have a south-westerly orientation and so would have the potential to benefit from direct sunlight in morning hours. But the height and proximity of the canopies to the row of trees to the west and south would still be likely to impact on the receipt of natural light, particularly during afternoon hours.

11. The windows to the rear north facing terrace of 5 houses have been increased in size since the last appeal. This would increase levels of natural light received to the ground floor kitchen / dining rooms and to bedrooms on the floors above facing in this direction. But the combined effect of tree canopies and the proximity of trees to windows on the northern boundary would still have a significant impact on light to windows in this elevation.

12. The plans do not provide much detail in respect of the changes in land level around the site and the effect of this and canopy spread in relation to the windows to the dwellings. There is not sufficient information before me to demonstrate that any prudent reductions to the nearest trees or thinning of canopies of trees within the site would result in a significant benefit in relation to natural light to these windows. Moreover, the trees to the north of the building are outside the appeal site and therefore not ordinarily in the appellant's control. Outlook from the windows to the north and south-west is still likely to be restricted.

13. The changes made in the current proposal compared with that dismissed on the previous appeal are insufficient to overcome the adverse impact on living conditions of future occupiers identified at that time. As a result of poor levels of light and outlook, there would be pressure to remove or substantially prune trees shown to be retained. There would remain conflict with the relevant requirements of Policy 32 of the DMLP which expects new development to provide an acceptable standard of living accommodation including in relation to outlook and natural lighting.

Other matters

14. The Inspector at the previous appeal was satisfied that the development would not cause harm to existing trees to be retained. The plans show supplementary

planting on land not in the appellant's ownership. Given the extent of tree retention around the site I consider that there is scope for sufficient supplementary planting on land just within the appeal site. This could be covered by a planning condition.

15. Cycle parking is proposed within the scheme to acceptable levels. Given the uncertainty of any cycle parking within the former garages for residents of Vale Lodge it would be unreasonable to require cycle provision for existing residents as part of this proposal.

16. I have noted the objections raised by local residents. Some of these have been addressed above, others by the previous appeal Inspector and other concerns such as those relating to refuse arrangements could be addressed through planning conditions. I also acknowledge the frustration of certain residents who claim to have rented garages on the site and who have now lost this facility. However, the proposal is for redevelopment on a brownfield site and has to be considered in relation to current local planning policies, including the need for additional housing.

Conclusion

17. I conclude that the principle of housing on the site to be acceptable and that parking provision would be satisfactory. However, the proximity of retained trees would not result in suitable living conditions for future occupiers regarding light and outlook. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Rory MacLeod

INSPECTOR