
Appeal Decision

Site visit made on 10 December 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2020

Appeal Ref: APP/C5690/W/19/3234648
196 Brockley Road, London SE4 2SU

- 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 Olivanna Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111565, dated 12 February 2019, was refused by notice dated 5 June 2019.
 - The development proposed is the construction of a three storey building comprising six flats and associated amenity space, cycle and refuse stores.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a three storey building comprising six flats and associated amenity space, cycle and refuse stores at 196 Brockley Road, London SE4 2SU in accordance with the terms of the application, Ref DC/19/111565, dated 12 February 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area in respect of its form and detailed design.

Reasons

3. The appeal relates to a triangular plot at the junction of Brockley Road with Harcourt Road. It is currently in use as a van hire yard and abuts the flank wall of an end of terrace two storey house also known as 196 Brockley Road. The surrounding area is predominantly residential in character comprising similar two storey terraced houses on the western side of Harcourt Road and a five storey building of flats to the eastern side of Brockley Road.
4. The proposed building would follow the alignment of Harcourt Road resulting in a splayed front wall stepping forward of the building line of the terrace to the south in Brockley Road. It would have a curved northern end and would abut the wide footpath at the road junction and the narrower footpath to Harcourt Road. Its three storey form and flat roof would contrast with that of the two storey pitched roofed houses nearby, but its roof would not be higher than these houses and the set back of the upper floors would avoid conflict with the hipped roof to the adjacent house. The profile of the building would be similar to an expired scheme consented by the Council at the site¹.

¹ DC/08/068836 & DC/11/077443

5. The building would occupy a prominent corner position. Its curved end wall would be a conspicuous feature when viewed from the north across the open junction of Brockley Road with Harcourt Road but would not appear unduly bulky. Given the openness to the north of the site, the stepping forward of the building line to Brockley Road would be acceptable. The massing and form of the building would be acceptable in the street scene.
6. The regular rhythm of vertically aligned windows to the building's eastern and northern sides would result in a satisfactory appearance in the street scene of Brockley Road. The Council is concerned at the higher solid wall to void ratio to the rear elevation to Harcourt Road and the number of high level windows. However, the rear wall would be broken by vertical panels of similar width to the windows elsewhere on the building and which would project forward of the main rear wall. This would enable the insertion of oriel windows to provide natural lighting and would also help to articulate and break up the massing of the rear wall. Inclusion of more conventional full depth windows could compromise the privacy of future occupiers of the flats and possibly occupiers of houses on the opposite side of Harcourt Road. In this respect the proposal would provide a site specific design solution that would respect the context and constraints of the site.
7. I concur with the Council that the front boundary enclosure shown on the plans would be unduly high and conspicuous in the street scene but consider that approval of alternative boundary enclosures could reasonably be made the subject of a planning condition. This would enable an optimum balance between privacy for occupiers and street scene considerations to be achieved.
8. The proposal would not conflict with Policies 7.4 and 7.6 of the London Plan (2016), Policy 15 of the Lewisham Core Strategy (2011) and DM Policies 30 and 32 of the Development Management Local Plan (2014) (DMLP) which collectively promote high standards of urban design that respect local context and character. DM Policy 31 of the DMLP cited in the refusal reason is not relevant to the proposal as this relates to alterations and extensions to existing buildings rather than to new buildings.
9. Whilst the Council has achieved a positive Housing Delivery Test result for 2019, there remains a need for additional housing across London. This is a factor that also weighs in favour of the proposal that would deliver 6 modest but adequately sized homes in a sustainable location. The National Planning Policy Framework seeks to significantly boost the supply of homes including on small and medium sized sites that can often be built out relatively quickly.

Conditions

10. In addition to the statutory condition limiting the lifespan of the permission, a condition is necessary to list the plan numbers in the interests of certainty and to enable the submission of minor material amendments should this be expedient. Given the location of the site on a road junction, a condition requiring approval of a construction method statement would be appropriate. Planning conditions would also be necessary to approve details of materials, enclosures and hard and soft landscape measures to ensure a satisfactory appearance to the development. Details of a waste management plan need to be approved by the local planning authority to ensure the efficient operation of the site. A condition is required to ensure that bicycle parking is provided in accordance with submitted plans. Finally, a condition is needed to approve

details of screens to the balconies to Flat 5 to safeguard privacy within the back garden to the adjacent dwelling at 196 Brockley Road.

Conclusion

11. The proposal would have a positive impact on the character and appearance of the area in respect of its form and detailed design, and in respect of the open yard it would replace. For the reasons given and having regard to all other matters raised, the appeal is allowed subject to planning conditions.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans P01; P02; P03; P04; P05; P06; P07; P08 and P09.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence above ground level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted and larger scale construction drawings to show fenestration details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until details of a waste management plan indicating how waste will be stored and brought out for collection shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. P01 for 8 bicycles to be parked and those spaces shall thereafter be kept available for the parking of bicycles.

- 7) No dwelling shall be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include details of all enclosures to boundaries and private terrace areas. The development shall be completed in accordance with the approved scheme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Flat 5 at second floor level shall not be occupied until balcony screens have been installed in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The balcony screens shall thereafter be retained in the approved form.