



Appeal Decision

Site visit made on 24 February 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 1st April 2020

Appeal Ref: APP/A5840/W/19/3242163

96 Alleyn Road, London SE21 8AH

- 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 Dylan Gee against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/2135, dated 3 July 2019, was refused by notice dated 10 September 2019.
 - The development proposed is demolition of the existing main dwelling house and garage to the rear, and the construction of a new two-storey dwelling house comprising of a basement and attic, providing five bedrooms and associated parking, bike and bin store, and a small single-storey plus basement dwelling house fronting on to South Croxted Road comprising two bedrooms, parking for 1 car, bike and a bin store.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The proposals are in two parts – the replacement of the dwelling known as No 96 Alleyn Road and the construction of a second dwelling, fronting South Croxted Road. For the purposes of this Decision I shall refer to these as the “Replacement Dwelling” and, in accordance with the titles of the submitted plans, the “Garden House”, respectively.
3. There are two reasons for refusal set out on the planning decision notice. The Council has confirmed that the submitted Basement Impact Assessment overcomes the second reason for refusal. I see no reason to think differently.
4. The Council raises no objections to the Replacement Dwelling and the evidence indicates that a similar dwelling has been granted separate permission planning Ref 19/AP/6275. I see no reason to differ from the Council in this respect. Accordingly I consider the main issue for this appeal to be the effect of the Garden House on the character and appearance of the area.

Reasons

5. Alleyn Road comprises large semi-detached and detached houses with substantial mature front and rear gardens and clear separation distances between adjacent properties. The appeal site is a typical example being a large house facing Alleyn Road in a large garden with a garage. The proposed Garden House would be in part of the garden of No 96. However, it would not

amount to the usual form of back-land development as it is not 'land locked' but has a separate road frontage and access onto South Croxted Road.

6. South Croxted Road is much busier than Alleyn Road with through routes including buses. The east side of South Croxted Road, between Alleyn Road junction and Church Approach, has a specific character in that it comprises the rear gardens of Alleyn Road dwellings and apart from fences, garages and other domestic out-buildings, is largely undeveloped. Although some of these are not particularly well maintained it presents an attractive, relatively open and verdant character over a significant stretch that contrasts with the closely spaced semi-detached and terraced properties on the other side of South Croxted Road. These are two/three storey attractive houses with cohesive decorative frontages dating from around 1900.
7. The Garden House would replace the garage close to South Croxted Road and the recently erected fencing around the approved access drive. It would be single storey above ground level with a basement containing two bedrooms. The ridge and eaves would be lower than the garage and would not be dissimilar to those of other garages. However, the Garden House would be completely different in scale, style and design to the houses opposite; the houses on Alleyn Road; and the Replacement Dwelling.
8. Garages and out-buildings perform different functions to dwellings. Whilst different designs can be acceptable, in this case the proposed Garden House, in endeavouring to be discreet and less intrusive to the openness of this side of South Croxted Road, would appear cramped and contrived in scale and appearance for a dwelling with only part appearing above the boundary fence. Moreover, it would constitute sporadic piecemeal development unlike the more cohesive appearance of the houses on the other side and further along South Croxted Road.
9. A separate, small, residential garden would be provided for the Garden House with relatively little space around the proposed building that would not be occupied by hard surfacing/plant, bin and cycle storage/ramps/turntable. Dulwich is characterised by being leafy, open and green and the proposal would be out of character with the spacious surroundings even though hedges and limited replacement/other planting could take place and even though the Replacement Dwelling would be positioned further towards Alleyn Road.
10. I also consider the Garden House would be over-development of its plot. There would be some 51 sq metres of garden space but this would be distributed in narrow, awkwardly shaped, strips around the building. This would be different from the proposal at No 25 Dulwich Village where the private gardens appear to be in single blocks. The deepest part of the Garden House garden would be substantially below the 10m sought by the 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document (the RSPD). The Dulwich Supplementary Planning Document 2013 (the DSPD) also resists new dwellings or garden buildings that are disproportionately larger than the plot size in back gardens as these would alter and harm the character of Dulwich. Consistent with a colleague Inspector¹ I give significant weight to DSPD as I find it consistent with National Planning Policy Framework (the Framework) in this respect.

¹ Dismissing an appeal at 51 Crystal Palace Road Ref APP/A5840/W/16/3144637

11. The glossary to the Framework defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land ...' but excludes '... land in built-up areas such as private residential gardens ...'. Much of the appeal site, whilst containing a house and a garage, forms the garden of No 96 and, on that basis, I consider it does not come within the definition for previously developed land. Even if the footprints of the buildings amount to previously developed land this does not, in itself, mean that planning permission should be automatically granted for a dwelling house on them. In this case I consider the proposed Garden House would be harmful in character and appearance and would therefore be inappropriate regardless of whether or not the garage footprint amounts to previously developed land.
12. I do not consider the proposed Garden House would amount to infill development of a relatively small gap between existing buildings as defined on the Planning Portal. Nor would it fall neatly within the definition of infill development set out in the DSPD and RSPD which is for redevelopment of sites located between existing property frontages as there are no lines of existing development to each side to conform to. In my view a proposal does not have to be either backland or infill as suggested by the appellant – it can be neither.
13. There has been historic development of double road frontages in places in the past. However, this does not, in my judgement, justify the piecemeal development of an incongruous dwelling such as the Garden House now proposed. The appellant indicates that a mews typology would be an improvement if repeated as it would introduce a sense of enclosure. It is not entirely clear what is meant by a mews typology in this context but to my mind this does not describe the piecemeal development of the single Garden House as proposed.
14. I have been given no evidence to suggest that additional "eyes on the street" are needed in this location for safety and security. There is already active surveillance from houses opposite and I give this matter little weight in favour of the proposal.
15. In this case, I conclude the proposed Garden House would not amount to good design for a building functioning as a dwelling in this location. Whilst not over-dominant, being cramped and contrived it would not respond appropriately to its context, and would be harmful to the character and appearance of the area. In this respect the Garden House would be contrary to Policies 3.12 and 3.13 of the Southwark Local Plan 2007 (the LP); Strategic Policy CS 12 of the Core Strategy 2011 (the CS); the DSPD and the RSPD. It would not amount to the high quality design of buildings and places that is regarded as fundamental in the Framework. It would also conflict with those principles of the Framework which recognise the desirability of maintaining an area's prevailing character and setting (including residential gardens). Moreover, whilst recognising each application and appeal should be determined on its own planning merits, allowing the appeal might make it more difficult for the Council to resist other piecemeal development nearby, further detracting from the character and appearance of the area.

Other Matters

16. The appellant has referred me to other cases that have planning permission. It is rare that development sites are identical and each application and appeal

falls to be determined on its own planning merits. A proposal at No 60 Dulwich Village Ref 17/AP/4361 differs from the case before me as the proposed dwellings would front a short road already substantially built up, including with dwellings, and amounted to infill development. The site for No 29 Dulwich Wood Avenue Ref 17/AP/2997 adjoined a row of existing houses and that of No 41 College Road Ref 16/AP/3422 is between two houses: both are therefore different to the site for the proposed Garden House.

17. The appeal Garden House has been reduced in size and re-positioned in an attempt to overcome the reasons for refusal of a previous proposal Ref 16/AP/1628. However, this does not lead me to conclude it would be appropriate in this location.
18. I acknowledge the appellant's desire to provide a long term multi-generational home for his family without everyone being under the same roof. However, this may be achievable in other less harmful ways and does not outweigh the harm I have identified.

Planning Balance and Conclusion

19. The Garden House would not result in over-looking or other amenity problems for neighbours; would have acceptable parking provision; would have good insulation; and would be energy efficient. However, these are to be expected in all developments and do not add particular weight in favour.
20. The proposal would result in an additional dwelling in an accessible location adding, in a small way, to the supply of housing in an attractive area to live and could provide nearby accommodation for the appellant's family members. There would be some employment during the construction period but this would be temporary and limited by the size of the development. It would arguably make more efficient use of land and in part could make use of previously developed land. There would be compliance in these respects with some parts of the development plan and parts of the emerging New Southwark Plan. I give these benefits together some weight in favour of the proposal.
21. However, policies can pull in different directions. These matters do not outweigh the lack of good design of the proposed Garden House and the harm to the character and appearance of the area that I have identified. In failing to comply with Policies 3.12 and 3.13 of the LP and Strategic Policy CS 12 of the CS the proposed Garden House could not be said to comply with the development plan taken as a whole. The appeal is dismissed.

S Harley

INSPECTOR