
Appeal Decision

Site visit made on 17 August 2020

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/C5690/D/20/3245864
74 Canonbie Road, London SE23 3AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Kirsty and Andrew Yaldron and Sandoz against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/114145, dated 2 October 2019, was refused by notice dated 27 November 2019.
 - The application sought planning permission for construction of a roof extension to replace the existing pitched roof and dormer at 74 Canonbie Road, SE23, together with a single storey rear extension, first floor rear extension, raised rooftop bed-space, and a balcony on the rear elevation without complying with a condition attached to planning permission Ref DC/19/113110, dated 30/09/2019.
 - The condition in dispute is N^o 5 which states that: No development pertaining to the roof extensions hereby permitted shall proceed to formation of the new roof structure until the roof covering of the adjoining property has been removed and scaffolding constructed to enable implementation of the permission DC/19/113147.
 - The reason given for the condition is: to ensure that there is a reasonable prospect of both developments being completed in the interests of achieving high quality design sensitive to the character of the host building and streetscene.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a roof extension to replace the existing pitched roof and dormer, together with a single storey rear extension, first floor rear extension, raised rooftop bed-space, and a balcony on the rear elevation at 74 Canonbie Road, SE23 3AG in accordance with the application Ref DC/19/114145, dated 2 October 2019, without compliance with condition number 5 previously imposed on planning permission Ref DC/19/113110, dated 30/09/2019 but subject to all other conditions previously imposed namely;
 - 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
 - 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: 001; 002; 003; 004; 005; 006; 007; 008; 009; 010; 011; 012; 013; 014; Massing Study.

- 3) No development shall commence on site until a detailed schedule and specification of all roof coverings and balcony materials to be used on the building 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.
- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the building hereby approved, other than those designated as a balcony or Juliette balcony as in drawing number 004, shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reasons

2. The sole main issue in this appeal is the effect on the street scene of the implementation of permission DC/19/113110 without the parallel implementation of permission DC/19/113147. The two proposals are designed in complementary fashion but are equally designed to be implemented separately, as the Council's report acknowledges.
3. Canonbie Road is an eclectic mixture of properties. It includes detached houses of individual styles, juxtaposed buildings of different styles which share a party wall, semi-detached symmetrically handed houses of varying styles and, immediately to the north of the site of this appeal, a short terrace of notable asymmetry. Even where pairs of houses are handed, steep stepping down because of the topography frequently confounds symmetry.
4. In the present case, although the pair of houses are on a level, they have already been so altered that their original symmetry is largely lost. One has retained its hipped roof, the other not. One has a side dormer, the other has front rooflights. Both have windows replaced, but to different designs, materials and colours. One has its façade brickwork painted, the other not.
5. Implementation of the two proposals together would reduce but not eliminate their existing differences. Although their façade materials, ground and first floor window openings would match and their appearance at roof level would be complementary, noticeable differences would remain. Both would have large glazed box-like additions to the roof but one would be centred on a first floor window, the other would not. One would project forward from the façade, the other would not. One would have a balcony to its side, the other would not. One would have a second, rectangular, glazed belvedere sitting on top of the first, the other would not. So, although aesthetic benefits would accrue from the implementation of both proposals because they would be complementary, that outcome, and therefore, the condition, would not secure a restoration of symmetry and so cannot be said to be necessary unless the outcome without the condition would be unacceptable in itself.
6. Without the condition, the implementation of the current proposal by itself would intensify the degree to which the two houses would lose their original symmetry; the size of first floor windows in the appeal property would alter and so differ from their neighbour, the two box-like belvederes would be quite unlike the hipped side dormer of their neighbour and the roof material would

change from a tile to metal. It would appear as though the two properties had been designed to share little more than a party wall.

7. But, that is a situation not without precedent in the street. A few doors along, number 80, which appears to be a block of flats of relatively modern appearance shares a party wall and eaves, ridge and building lines with a neighbouring house of a quite contrasting design. Numbers 96 and 98 are similarly juxtaposed, differing designs. The terrace of four including number 70 has already been noted. Although symmetry does figure extensively within the street, so does asymmetry and incongruity. That is part of its character.
8. I therefore conclude that the effect of allowing permission DC/19/113110 to proceed without complying with condition 5 would be consistent with the character of Canonbie Road. The Council's report accepts that the proposed standing seam metal roof cladding would be a high quality complementary material. Hence, the outcome would comply with Core Strategy policy CS15 which calls for design sensitive to the local context and responding to local character and with policies DM30 and DM31 of the Development Management Local Plan adopted in November 2014 which amongst other matters call for the creation of a positive relationship to the existing townscape and topography to create an urban form which contributes to local distinctiveness such as roofscape, views, panoramas and vistas and the use of high quality materials.
9. In the event of the appeal being allowed, the Council makes suggestions for three conditions to be imposed but these are unnecessary and inappropriate as the remaining conditions attached to permission DC/19/113110 are not challenged by this appeal decision, remain necessary for the reasons given in that original permission and are therefore reiterated in this decision.

P. W. Clark

Inspector