



Appeal Decision

Site visit made on 20 October 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

Appeal Ref: APP/C5690/W/20/3253892
130-132 Verdant Lane, London SE6 1LG

- 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 Dobbyman Investments Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/115657, dated 7 February 2020, was refused by notice dated 6 May 2020.
 - The development proposed is demolition of the existing single storey buildings at 130-132 Verdant Lane, SE6, together with the construction of a new single storey building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is evident that the Council and the appellant agreed a revised description of development during the planning application. As such, I have taken the description of development from the Council's decision notice and the appeal form.

Main Issues

3. The main issues are:
 - The effect of the proposal upon the provision of employment land;
 - The effect of the proposed development on highway and pedestrian safety; and
 - The effect on nearby trees.

Reasons

Provision of employment land

4. Policy 4.4 of the London Plan (2011) (LP), Core Strategy Policy 5 of the Lewisham Core Strategy (2011) (CS) and DM Policy 11 of the Lewisham Development Management Local Plan (2014) (DMLP) set out that industrial land will be managed to ensure sufficient stock to meet future needs and that employment uses and locations are retained and protected.

5. The layout of the proposed development would be different compared to the existing site. However, the overall amount of employment floor space and the established use would not change and would not result in a loss of employment or business floorspace.
6. The Council contend that the proposed layout would not enable the existing car related uses to take place on site. Whilst this may be the case there is no evidence to indicate that the use of the site has been restricted solely to such uses. Moreover, the proposal would not preclude a car related use or another business use from occupying the proposed building.
7. Consequently, the proposed development would not result in the loss of employment floorspace and would accord with Policy 4.4 of the LP, CS Policy 5 and DMLP Policy 11 which seek to retain and protect employment land.

Highway safety

8. The appeal site comprises a series of single storey buildings along the road frontage and extending into the site occupied in varying uses including car repair, a tyre workshop and a car wash. There is a small forecourt to front and a narrow access to the rear. The site is served by two footway crossings and parking in front of the site is unrestricted.
9. The proposed parking arrangement and singular access would not be dissimilar to many of the properties along this section of Verdant Lane. Moreover, the frontage is open and there is satisfactory visibility along the road in both directions. As such, I am satisfied that vehicle movements and the proposed parking arrangement is unlikely to result in a conflict and would not unduly harm pedestrian safety.
10. Whilst there would no longer be parking to the rear, there would be spaces in front of the building and parking along the road is largely unrestricted. At the time of my visit I observed large sections of the road freely available for vehicles to park and did not witness instances of ad hoc parking either at the site or nearby. Whilst a snapshot in time there does not appear to be an obvious parking issue in the area. Whilst the parking arrangement would change, I am satisfied that it would not result in indiscriminate or inconsiderate parking taking place in front of the building or in the area. Furthermore, there is no evidence to indicate that parking demand and traffic movements would increase as a result of the proposed development.
11. I conclude that the proposed development would not harm highway and pedestrian safety in the area. It would therefore accord with CS Policy 14 and DMLP Policy 29 which, amongst other things, require the promotion and prioritisation of access for and the safety of pedestrians and a managed and restrained approach towards car parking provision.

Effect on trees

12. Along the side boundaries are a number of mature trees. Due to their size, form and height they provide an attractive backdrop and are highly visible, given the low height of the building, positively contributing to the visual amenity of the area.

13. The Council's Tree Officer has stated that an Arboricultural Assessment is required to consider the impact upon the trees including the ground excavations and foundations.
14. Whilst the appellant is willing to accept an appropriately worded planning condition post decision, the potential effect on the trees is a significant consideration given the site's immediate setting and the proximity of the building to the trees. I am not satisfied that this matter has been investigated to demonstrate that there would be no harm to nearby trees.
15. Therefore, the proposed development would be contrary to LP Policy 7.21 and DMLP Policy 25 which, amongst other things, seek to protect and maintain existing trees.
16. Whilst the Council may not have raised this issue previously, it is incumbent on me to assess the merits of the proposal before me in respect of its impact upon trees.

Other Matters

17. I acknowledge that the proposed development would be a modern building and that it would not unduly harm the living conditions of neighbouring occupiers. However, this would not overcome my concerns regarding the impact upon trees.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR