
Appeal Decision

Site visit made on 21 October 2020

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2020.

Appeal A Ref: APP/C5690/W/20/3248866 **24 Canonbie Road, London SE23 3AP**

- 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 J Taylor against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/115126, dated 19 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is the erection of a two storey building with basement and rear dormer window to provide a 4 bedroom attached house, together with associated front lightwell, landscaping, bin and bicycle store.
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Appeal B Ref: APP/C5690/W/20/3248333 **24 Canonbie Road, London SE23 3AP**

- 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 J Taylor against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/115128, dated 19 December 2019, was refused by notice dated 19 February 2020.
 - The development proposed is the installation of a front dormer window to match the existing.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The main issues in relation to Appeal A are the effect of the proposed development on:-
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 24 and 26 Canonbie Road, with particular regard to outlook, overbearing impact, sunlight, and daylight.
4. The main issue in relation to Appeal B is the effect of the proposed development on the character and appearance of the area.

Reasons

Appeal A - Character and appearance

5. The character of Canonbie Road is very mixed, with dwellings varying in age, height, design, spacing and materials. One of the few consistent features is that the buildings are set back a similar amount from the road, although to the south-west of the appeal site No 26 and the adjoining three storey block of flats at Burwood Court are set a few metres further back. Gaps between blocks of buildings vary, with many being no more than a metre or two.
6. The road includes a number of pairs of semi-detached houses. Because the road is on a slope, the two halves of the pair are often set at different levels, although the vast majority still display a degree of symmetry between the two dwellings.
7. At the time of my site visit, No 24's single storey side extension and garage, both located on the appeal site, had been demolished. Prior to this, a gap existed at first floor level and above between Nos 24 and 26. No 26 is a two storey detached property, but with its first floor rooms set within the roof space. As a result, although higher up the hill than the appeal site, its eaves are at a similar level to those on No 24, and its ridge a little lower.
8. I agree with the appellant that the gap at first floor level between Nos 24 and 26 is not particularly characteristic within the road, and is noticeably larger than most gaps between buildings. However, this proposal would close the gap almost completely and, because the proposed new house would be set back only slightly behind the front elevation of No 24, would be set in front of the front elevation of No 26.
9. Burwood Court, a mid 20th century, three to four storey, flat-roofed block of flats, is located on the other side of No 26. Because of its height and massing, and its position higher up the hill, it already appears to dominate its lower neighbour. If the appeal proposal were to be constructed on the other side of No 26, it would be set very close to and in front of the front elevation of No 26. The result would be an unacceptably cramped relationship with No 26 and, particularly given the existence of Burwood Court on the other side, would make No 26 appear dominated by, and squeezed in between, its neighbours on either side. This would create a relationship between buildings that would appear out of keeping with other development in Canonbie Road and harm the character and appearance of the area.
10. The Council is also concerned that the proposal would destroy the symmetry between No 24 and its neighbour to the north-east, No 22. However, a Lawful Development Certificate (Ref DC/19/113317) was granted in 2019, and has now been implemented on site. This includes a hip to gable roof extension, which has removed an important element of the symmetry between the two halves of this semi-detached pair. The appeal proposal would include a hipped roof and would result in a terrace of three houses with a hipped roof on either end, similar to the terrace of four dwellings further down the hill at 2-8 Canonbie Road.
11. I do not consider that this proposal would result in itself in a loss of symmetry between Nos 22 and 24. However, this does not outweigh my view that its relationship with No 26 would cause unacceptable harm to the street scene. I

conclude that the proposed development would have an unacceptable effect on the character and appearance of the area, contrary to Policies 7.4 and 7.6 of the London Plan (2016), Spatial Policy 5 and Policy 15 of the Core Strategy (2011) (CS), and DM Policies 30 and 33 of the Development Management Local Plan (2014) (LP) in this respect. These policies seek, amongst other things, high quality development that has regard to, and protects, the character of the area, and infill development that respects the character, proportions and spacing of existing houses.

Appeal A - Living conditions

12. The proposed new house would be located very close to the boundary with 26 Canonbie Road and would project forward of No 26's front elevation by over 2.5 metres. As a result, the two storeys of the new house would appear as overbearing when seen from inside those front-facing rooms within No 26 that are closest to the boundary with the appeal site. This would be particularly true for the occupiers of No 26 when using their front room, which is lit by a bay window, but also to a lesser extent when using the bedroom above the front room. As well as appearing overbearing when seen from these rooms, the proposed dwelling would also compromise the outlook from the same two rooms.
13. The new house would also be located close to the conservatory to the rear of No 26. This would have an impact on the outlook from the side facing windows of that conservatory. However, the new house would not project beyond No 26 and that part closest to the neighbours' conservatory would not appear as higher than single storey. I do not consider that the impact on the outlook from this conservatory would be unacceptable.
14. The Council is also concerned about the impact on the daylight and sunlight entering the rear elevation of the existing house at No 24. However, the application the subject of this appeal was refused in February 2020. Understandably, the officer report did not assess the impact on No 24 with an additional extension in place, as this was the subject of a permission granted later, on 2 March 2020 (Ref DC/19/115127). I saw on my site visit that this extension has now been substantially built out. With this in place, there would be no unacceptable impact on the occupiers of No 24 from the appeal proposal.
15. Notwithstanding my conclusions on the impact on No 24 and the conservatory at No 26, these are outweighed by my conclusions on the harm that would be caused to the occupiers of No 26 when using two of their rooms at the front of the house. I therefore conclude that the proposed development would have an unacceptable effect on the living conditions of the occupiers of 26 Canonbie Road, with particular regard to outlook and overbearing impact, contrary to DM Policy 33 of the LP in this respect. This policy seeks, amongst other things, infill development that does not result in a loss of amenity to adjacent houses.

Appeal B

16. Dormer windows on the front elevations are not a common feature of properties in Canonbie Road. Where they do exist, they are usually to be found on pairs of semi-detached houses, with one dormer window per dwelling. This was already the case on Nos 22 and 24, and remains the case now that No 24 has converted its hipped roof to a gable.

17. The proposal would add a second dormer window onto the front roof slope of the appeal property, taking advantage of the additional space created by the new gabled roof. The dormer window itself would be the same as the existing example on the roof. However, in the context of this part of Canonbie Road, it would make the already extended roof appear cluttered and out of keeping with other semi-detached houses in the road.
18. I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area, contrary to Policies 7.4 and 7.6 of the London Plan (2016), Policy 15 of the CS, and DM Policies 30 and 31 of the LP in this respect.

Other Matters – Appeal A

19. The Council also refused the application on the grounds that the development would not provide convenient or accessible cycle parking/storage, as to access the proposed area in the basement lightwell would require residents to take their bicycles through the house and up and down stairs. Whilst this may be something that numerous cyclists do in houses and flats around the country, I do have sympathy with the Council's concerns, as it would not encourage the ownership and use of bicycles. However, I agree with the appellant that a suitable site for the cycle storage could be found and that this is a matter that, were I to allow the appeal, could be dealt with by condition.

Conclusion – Appeal A

20. I have concluded that the proposed development would have an unacceptable effect on the character and appearance of the area, and on the living conditions of the occupiers of 26 Canonbie Road. The provision of an additional residential unit would amount to a benefit of the proposal. The National Planning Policy Framework introduces a presumption in favour of sustainable development. It says that there are three dimensions to sustainable development: economic, social and environmental. In my view, the harm that I have identified that would be caused by the development means that it would not be environmentally sustainable. This harm outweighs the benefits arising from the proposal. For the reasons given above, I therefore conclude that Appeal A should be dismissed.

Conclusion – Appeal B

21. For the reasons given above, I conclude that Appeal B should be dismissed.

Michael J Muston

INSPECTOR