



Appeal Decision

Site visit made on 29 October 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/C5690/W/20/3245909

179 Sandhurst Road, London SE6 1UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Torridon Road Development Ltd against the decision of the London Borough of Lewisham.
 - The application Ref DC/19/113458 dated 12 September 2019, was refused by notice dated 14 November 2019.
 - The proposed development is for the erection of 1 x four bed and 1 x three bed semi-detached building on a vacant plot at the rear of 179 Sandhurst Road, London SE6 1UR
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The London Plan 2016 (LP) forms part of the development plan for the area. Reference is made in the appeal to the draft, revised London Plan which has been published and been the subject of an Examination but is not yet adopted. I can, therefore, only afford the draft plan limited weight.
3. The appellant refers to policies contained in the Lewisham Unitary Development Plan (UDP). However, the local planning authority (LPA) has confirmed that the UDP has been superseded and is no longer the development plan for the Borough. Therefore, I have not taken its provisions into account when determining the appeal.
4. The application forms describe the proposed development as for 1 x 3 bedroom dwelling plus 1 x 4 bedroom dwelling and the submitted plans show the same. The submitted Design and Access Statement refers to it being for 2 x 3 bed dwellings (and where one of the dwellings also has a study room). For the avoidance of doubt, I have determined the appeal based on the description in the application form and as shown on the submitted plans.

Main Issues

5. The main issues are (i) the effect of the proposal upon the character and appearance of the area including its effect on the setting of the adjoining former library which is a Grade II listed building; (ii) the effect of the development on the living conditions of the occupants of 179 Sandhurst Road and 174 Glenfarg Road in respect of the resultant size of outside amenity spaces, outlook and privacy; (iii) the effect of the development on the living

conditions of future occupiers of the premises in terms of internal space provision and outlook and (iv) the effect of the proposal on highway safety.

Reasons

Character and appearance including the setting of the former library building

6. The appeal site is located on the West side of Torridon Road where two storey terraced houses with hipped roofs run at ninety degrees to it and with intervening rear outside amenity spaces between the terraces. The rear spaces, which by their general openness, are part of the character of the area and are contained mainly by brick walling which runs alongside the pavement to Torridon Road. In the main, the brick walls are unbroken, though in some places there are small garages and other structures fronting onto Torridon Road, though these do not take up the whole of the walled areas or the gardens immediately to the rear of them.
7. Unlike the occasional garage or similar structure located along this part of Torridon Road and breaking the walling to the rear gardens, the proposed development would take up nearly all of the walled area and the land immediately behind and adjoining it. While I was able to see on my site visit that the appeal site currently is fenced around and is therefore not being used as garden land, it is nevertheless open land which relates positively to the character and appearance of the street scene by providing open relief from the otherwise built form of the area.
8. While the Council's Core Strategy 2011(CS) encourages the development of small-scale infill sites, this is dependent on such development being in keeping with the general character and appearance of the area. Moreover, Its Development Management Local Plan 2014,(DMLP), as well as the London Plan 2016 (LP) contain a general presumption against the development of private gardens and amenity spaces.
9. In addition, while it would be set down into the site, by its elongated design and varied roof shapes, height ,scale and mass, it would not relate to the characteristic two-storey hipped roofed terraces adjoining the site.
10. Opposite the proposed development is the former library, now a community centre, which is a Grade II listed building (LB) and is a brick built Edwardian property in a classical, elaborate architectural design but with a modern extension of a simple, box-like appearance and in a contrasting light colour. The LB is set within a restrictive curtilage and which includes a small amount of amenity space in front of it and behind a dwarf brick wall fronting the pavement. The limited extent of its setting has a neutral effect on the way that the asset's significance is experienced.
11. The proposed development would be located on land across the road and would not be directly opposite the LB in its setting. It would not compete visually, being single storey and set down into the site. For these reasons I find that the proposed development would not harm its setting.
12. However, despite my findings regarding the setting of the LB, I nonetheless consider that the proposed development would have a significantly harmful effect on the character and appearance of the area more generally and for the reasons which I have stated. I therefore conclude that the development

proposed would not accord with policies 30 and 32 of the DMLP which require development to be of high design, attractive and neighbourly, or with its policy 33 which aims to ensure new development respects the character, proportions and spacing of existing houses. It would be contrary to policies 5 and 15 of the CS which also require development of high quality, nor would it accord with policy 3.5 of the London Plan 2016 (LP) which aims to enhance the quality of local places and where there is a general presumption against the development of private gardens and amenity areas. It would not meet policy DM36 of the DMLP relating to the preservation of the setting of the listed building and it would also be contrary to paragraphs 124, 130 and 196 of the National Planning Policy Framework 2019 (the Framework) relating to the same.

Living conditions of the occupants of 179 Sandhurst Road and 174 Glenfarg Road

13. The proposed development would remove most of what has been traditionally the rear garden spaces of 179 Sandhurst Road and 174 Glenfarg Road, leaving the occupants with very small outdoor amenity areas.
14. Moreover, the proposed dwellings would come close to the rear of those properties, though no details other than what is shown on the location plan are submitted to show the distances between the proposed site and existing properties. Furthermore, no information is included regarding daylight effects.
15. Without such details, I cannot conclude that the proposed development would accord with policy 15 of the CS which requires high quality design, nor with the design policies of DM30, DM32 and DM33 of the DMLP.

Living conditions – internal space and outlook

16. Table 3.3 of the LP sets out 'minimum space standards for new dwellings'. The proposed development is for a 1 x 3 bedroom dwelling and 1 x 4 bedroom dwelling.
17. Dwelling No A would have a gross internal area (GIA) of approximately 81.8 square metres whereas the LP requires a minimum of 84 square metres for a 3 bedroom, 4 person dwelling. Dwelling No B would have a GIA of about 94.7 square metres whereas the LP requires a minimum of 97 square metres for a 4 bedroom, 5 person house.
18. Furthermore, the submitted elevations indicate that the views from the windows to the ground floor, with the buildings being set down below the existing ground floor level, would be very restricted, providing enclosing and limited outlooks from them. This would be likely to limit light penetration to the associated rooms giving rise to a heavy reliance on artificial light. In the absence of any detailed light assessment, I am unable to conclude that the proposal would constitute good design. I do not concur with the appellant that most rooms would be dual aspect.
19. In addition, the proposed amenity spaces would not provide attractive areas because they would be set down into the ground with enclosing walls making them feel oppressive.
20. I therefore conclude that the development proposed would not accord with policy 3.5 of the LP, nor with policy DM32 of the DMLP relating to technical space standards and living conditions.

Highway safety

21. The proposal contains no details regarding boundary treatment and related site lines for vehicles leaving the appeal site, a matter made more problematic in view of the proximity of traffic-light controlled highway junctions and bus stops. These are also matters which might affect vehicles wishing to enter the appeal site. Similarly, no information is included regarding the width of the proposed crossing points.
22. I do not agree with the appellant, without any evidence relating to highway safety, that it would be sufficiently safe or appropriate for drivers to reverse off the highway into the parking spaces so that, later they may then leave in forward gear. On my site visit I was able to observe that Torridon Road is a busy thoroughfare and where such manoeuvring would not be in the interests of highway safety. There is no mention of provision for bicycles.
23. For the above reasons, I am therefore unable to conclude that the proposed development would constitute appropriate parking and access/egress for highway safety purposes and hence that it would meet the requirements of policy 14 of the CS, policy 29 of the DMLP or paragraph 108 of the Framework, all relating to highway safety.

Other Matters

24. While there is no evidence before me that the local planning authority cannot demonstrate a deliverable 5-year supply of housing sites, I nonetheless acknowledge that the proposal would boost the supply of housing in the area. However, the contribution from two dwellings would not be very significant and would not alter or outweigh my conclusions on the main issues.

Conclusion

25. For the above reasons, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR