The Planning Inspectorate

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/20/3249874
21 Wisteria Road, Hither Green, London SE13 5HW

- 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 21 Wisteria Road Ltd against the decision of the London Borough of Lewisham.
- The application Ref DC/19/114997 dated 10 December 2019, was refused by notice dated 5 February 2020.
- The development proposed is for the demolition of existing buildings and the construction of new residential dwellings, together with associated cycle parking, refuse and recycling storage facilities and external amenity space.

Decision

1. The appeal is dismissed.

Procedural Matters

2. While the individual name on the application and appeal forms vary, both are made in the name of 21 Wisteria Road Ltd. I have proceeded to determine the appeal in the name of the company.

3. 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. I can therefore only afford the draft plan limited weight.

Main Issues

4. The main issues are (i) the effect of the proposal upon the living conditions of future occupants in terms of light to basement bedrooms and in respect of outlook; (ii) the effect of the proposed development upon the living conditions of the occupiers of the ground floor apartment at No 21 and No 19 Wisteria Road in terms of outlook, and the occupiers of the ground floor apartment at No 21 Wisteria Road in terms of privacy.

Reasons

Sunlighting, daylighting and outlook to basement rooms

5. Twelve of the proposed fourteen bedrooms would be at basement level and would have lightwells to provide natural light. The Local Planning Authority (LPA) in its refusal notice, objects on the grounds that the light wells would not provide acceptable levels of daylight or sunlight. However, the application

was accompanied by an Internal Daylight Assessment which concludes otherwise and that future occupants would have a well-lit environment which exceeds British Standard recommendations. The LPA, in its appeal statement, confirms that it no longer wishes to contest the issue of daylighting and sunlighting and I have no reason to disagree with the conclusions of the report.

6. Nevertheless, the light wells would give only a very limited outlook from the basement bedrooms with little more than a view of the sky. Even this would be very limited from within most of the bedrooms and when immediately away from the skylights. I afford such harm significant weight as part of the determination of this appeal.

7. The appellant considers that lightwells to basements are a common feature in urban locations in London and the appeal contains details of other subterranean bedrooms approved within the Borough. However, while I accept the need for consistency in decision making, I am unaware of all the circumstances surrounding such other decisions, and in any event, I have determined the appeal upon its own merits.

8. While I have found that sunlighting and daylighting to the basement bedrooms would be acceptable, I conclude that the absence of reasonable outlook from the majority of them would be contrary to policy 3.5 of the LP which aims to promote high quality development, both internally and externally, and with policy 7.6 of the LP in so far as it aims for good design, and for the same reason it would not comply with the Council's Development Management Local Plan 2014 (DMLP) policy 30 or with policy 15 of the Council's Core Strategy 2011 (CS). In addition, it would not accord with policy DM32 of the DMLP which requires development to provide a satisfactory level of outlook.

Outlook and privacy – Nos 19 & 21 Wisteria Road

9. The occupiers of the lower ground floor apartment at No 21 Wisteria Road currently look out mainly onto a predominantly blank brick wall. However, my assessment is based upon the resulting environment of the proposed development. This would bring the development to within approximately 1.3 metres of the existing ground floor apartment. In addition, it would result in an increase in the number of pedestrians passing close to its windows along the access passageway, even though the proposed development would mean that commercial and other vehicles which can currently use the accessway would cease. However, I consider that the likely increase in pedestrians using the accessway would result in a greater intrusion to the occupants, privacy.

10. I have taken into account the sense of enclosure report submitted by the appellant, but I do not consider that the introduction of an improved landscaped area as part of the proposed development would alleviate a sense of enclosure to the occupants of the ground floor apartment.

11. I have noted that the current occupants are supportive of the proposed development and I am aware that future occupiers would be able to assess matters before taking up residence. However, those matters do not override the need to provide good design and furthermore, paragraph 127 (f) states that developments should ensure *"a high standard of amenity for existing and future users"*

12. The proposed house No 1, by its proximity, bulk and massing, would also create a greater feeling of enclosure for the occupants of No 19 Wisteria Road and thereby result in asignifiant loss of outlook.

13. Therefore, I conclude that that the proposed development would not accord with CS policy15 which requires the highest quality of design, or with DMLP policy 32 which requires proposed development to be attractive and neighbourly.

Other Matters

14. The appellant has included several studies and assessments for the proposed development in addition to those to which I have already referred, and where their conclusions add favourably to its merits. These include its assessment against technical housing standards, sustainability and energy performance, the marketing of the existing buildings, a further daylight and sunlight assessment, a parking and transport report, a construction logistics management plan, a drainage strategy, an asbestos survey and analysis, an air quality assessment, a ground investigation report and an arboricultural assessment. However, these are matters of neutral consequence in the overall planning balance.

15. I acknowledge that the proposal would represent a visual improvement to the appearance of the site by the replacement of the existing buildings with new housing in scale with the adjoining buildings and at a density which accords with the requirements of the LP. These are factors in favour of the proposed development, along with the fact that the proposal would be in flood zone 1 and would make financial contributions to the Borough.

16. However, I find that neither individually nor collectively, would the above benefits have sufficient weight to overcome my conclusions on the main issues.

Conclusion

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

Steven Hartley

INSPECTOR