



Appeal Decision

Site visit made on 27 October 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/C5690/W/19/3242106

26A Inglemere Road, Forest Hill, London, SE23 2BE

- 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 T. Patel against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/19/111532, dated 6 March 2019, was refused by notice dated 25 June 2019.
 - The development proposed is the construction of a single storey dwellinghouse with basement following demolition of existing storage (B8) unit to the rear of no.26 Inglemere Road.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the development would provide satisfactory living conditions for the future occupants of the appeal property, having particular regard to internal floorspace and outlook.

Reasons for the Recommendation

Character and appearance

4. The appeal site comprises a single storey outbuilding located within a rectangular plot of land to the rear of 26A Inglemere Road which is a large two-storey detached property. Both parties agree that the appeal site historically formed part of the rear garden of No.26A but is now clearly separated by a timber fence. The original garden is wider, but roughly the same length, as the adjoining gardens serving the detached dwellings at Nos 22 and 24. The appeal site is overgrown with vegetation and the existing outbuilding is in a dilapidated state with missing window and door fixings and a collapsed roof.
-

Due to the state of decay of the outbuilding and the extent of vegetation that has taken possession of it, it would seem that the building has not been used for storage for quite some time.

5. The surrounding area is mostly residential with a mix of large detached and semi-detached houses with large rear gardens, post-war blocks of terraced dwellings as well as high-rise apartment blocks.
6. Policy 33 of Lewisham's Development Management Local Plan document (the 'local plan') states that the development of back gardens for separate dwellings in 'perimeter form residential typologies' identified in the Lewisham Character Study will not be granted planning permission. The parties do not dispute the site is within an area characterised by this perimeter form residential typology. In this instance, the appellant argues that the appeal site cannot be classified as existing garden land as it is unrelated to No. 26A. However, the explanatory text to this policy states that 'back gardens are private amenity areas that were the entire back garden to a dwelling or dwellings as originally designed'. Therefore, for the purpose of Policy 33, I consider the site to be back garden land.
7. The supporting text for Policy 33 states that back gardens within perimeter block urban typologies are considered to be an integral part of the original design of these areas. Whilst the appellant states that the erection of a new dwelling in an identical siting to the existing structure would not be necessarily out of character with the built form and pattern of development in the area, I consider its use as a dwelling means it is not comparable to the existing storage building. I find the position of the dwelling, behind the surrounding perimeter development, would jar with the prevailing pattern of residential development and cohesiveness of the surrounding urban form. Furthermore, the proposal would increase the built-up character of the plot. The appeal site currently appears open and lush with vegetation, with the outbuilding appearing unfinished and severely damaged, whereas the proposed dwelling, new access and landscaped garden would formalise the development of the plot and reduce its low-key sylvan character.
8. Given the above, the proposed development would have an adverse impact on the character and appearance of the area. It would therefore conflict with Policy 33 of the local plan, the aims of which I mentioned above, as well as Policy 30 of the local plan and Policy 15 of the Core Strategy Development Plan document (the 'Core Strategy') which together aim to ensure proposals are well-designed and complement the areas in which they lie.

Living Conditions

9. The Council states that the Gross Internal Area (GIA) of the dwelling would be below the minimum standards for a 3-bedroom, six-person (3b6p) dwelling as set out in the Technical Housing Standards – Nationally Described Space Standards (2015). The appellant argues that the proposal would exceed the minimum floorspace requirement for a 3-bedroom, five-person (3b5p) dwelling. However the plans indicate three good sized double bedrooms. Whilst the appellant states that the shortfall in floorspace for the 3b6p requirement would be minimal, I am not satisfied this gives me sufficient reason to circumvent the adopted standards. I therefore find that the proposed dwelling would harmfully fail to comply with the minimum requirements for internal floorspace.

10. The plans indicate bedroom 1 would only be served by a single narrow window adjacent to the main entrance of the dwelling. The appellant opines that it is common for bedrooms to have outlooks onto entrances such as for bedroom 1. In my view, the position of the window in a corner of the room combined with its small size, means future occupants would not be able to look outside when in most parts of the bedroom. It would also only allow for a limited amount of light penetration into the room. Overall, the window would offer poor outlook. Furthermore, the proposed lightwell for the basement bedroom 2 would also only offer a very limited outlook towards a relatively deep blank wall. The larger size of the lightwell for bedroom 3 would mean a greater separation distance between the window and the wall directly opposite, which would thus offer a better outlook in that room.
11. Nonetheless, the development would fail to provide satisfactory living conditions for the future occupiers of the appeal property in respect of the lack of sufficient internal floorspace and outlook. It would conflict with Policy 32 of the local plan and Policy 3.5 of the London Plan which together seek to ensure proposals are well-designed, meet minimum space standards and provide a satisfactory level of outlook for future residents. The proposal would also conflict with the Housing Supplementary Planning Guidance of the London Plan and the Nationally Described Space Standards which seek the same. I do not find that Policy 1 of the local plan, referred to in the Council's second reason for refusal, is directly relevant to this issue as it relates for the most part to the strategic provision of housing.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR