



Appeal Decision

Site visit made on 1 December 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/C5690/W/20/3246216

79 Drakefell Road, London SE14 5SH

- 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 David Saunders-Watson, Drakefell Road Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/113422, dated 6 August 2019, was refused by notice dated 29 November 2019.
 - The development proposed is demolition of existing dwellinghouse and erection of two new dwellinghouses and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although expressed differently within the Council's evidence, neither main party has provided written confirmation that a revised development description from that entered on the planning application form has been agreed. I have therefore used this original description in the banner heading above.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the Telegraph Hill Conservation Area (CA), including with regard to the effect on trees; and
 - ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook and whether or not it would be overbearing.

Character and Appearance

4. The appeal site is located between the rear of dwellings on Pepys Road and the Greenstreet Hill development. The small group of modern timber-framed buildings which make up Greenstreet Hill contrast strikingly with the late Victorian dwellings of similar appearance and regular layout which largely characterise the Telegraph Hill CA. Nevertheless, a central courtyard provides for landscaping and a sense of space around the Greenstreet Hill buildings. This complements the typically long rear gardens to other nearby dwellings which often include established planting, and together with mature street trees and Telegraph Hill Park Upper Park which extends to the rear of Greenstreet Hill, there is an attractive verdant and open setting to the buildings within this part of the CA. In my view, it is this setting together with the overall consistency

resulting from the layout and appearance of the majority of buildings that contributes significantly to the character and appearance of the CA, and thus its significance.

5. The flat-roof dwellings present on the appeal site and at 85 Drakefell Road adjacent add further variety to the area, although their modest single-storey height is largely concealed from the Drakefell Road street scene by vegetation to the frontage of No 85. As a result, the appeal site contributes an appreciable openness between Greenstreet Hill and the rear of dwellings on Pepys Road.
6. The proposed development would be sited on part of the garden of 79 Drakefell Road, but would in effect replace this existing dwelling. I therefore see no inherent conflict with part C of DM Policy 33 of the Development Management Local Plan 2014 (DMLP) which by my reading seeks to avoid separate new dwellings within back gardens. Nevertheless, this policy also imposes a general requirement that development is sensitive to the streetscape and the setting of heritage assets, including the spaces between buildings.
7. I am satisfied that the pitched roof form and external materials of the development would be a sympathetic response to the surrounding area. However, while the dwellings would be set below the existing ground level of the appeal site, their two-storey height would be substantially taller than the existing dwelling, and their pitched roof design and increased footprint would result in a building of considerably greater bulk and mass. Development would also occupy a significant proportion of the site with the dwellings set fairly close to their plot boundaries. As a consequence, space around the dwellings and their gardens would be small in comparison to the more generous gardens that are typical to buildings nearby, causing them to appear uncharacteristically squeezed onto the site.
8. Despite some screening by vegetation along the frontage of No 85, the dwellings would be visible on the site, including from Drakefell Road across the garden of 138 Pepys Road and neighbouring properties, and from Pepys Road in the gaps between the closest dwellings. In these views, the cramped nature of the development would be discordant and intrusive, and would harmfully erode the spaciousness of this part of the CA.
9. With regard to the effect of the proposal on trees, I consider from my visit and the information before me that the three closest Sycamores referred to as T1, T2 and T3 within the appellant's Arboricultural Appraisal and Implications Assessment (AAIA) are of most relevance. The AAIA sets out that while there would be excavation on the site, encroachment to root protection areas would be limited to 5% in the case of T1 and 6.5% for T2. I have not been provided with substantive evidence that such incursions would be beyond the tolerance of these trees so as to adversely affect their stability or their effective growth as asserted by the AAIA. Nor is there compelling evidence that the proposed construction methods within these areas, entailing manual dig to assess root growth before they are professionally pruned back, would be ineffective.
10. Full details of the proposed levels on the site have not been provided, but while I note the differences in ground levels suggested at the elevations of the dwellings, the submitted plans indicate that higher level ground would be retained around the site boundaries closest to trees and refer in this regard to the AAIA. Appropriately worded planning conditions could require further details of levels, landscaping and construction methods including of boundary

or retaining walls as well as that works were undertaken in accordance with the details and tree protection plan outlined by the AAIA. Subject to this and notwithstanding the appellant's illustrative 3D visuals, I see no reason that the proposal would result in additional excavation into the root protection areas of trees beyond that identified by the AAIA. I am accordingly satisfied that the health and longevity of the trees could be safeguarded through construction works.

11. Given the relationship of trees T1, T2 and T3 with the site boundaries and their size and spread across the site, I do not consider that they would significantly affect light levels or otherwise result in nuisance to future occupiers of the development such that there would be irresistible pressure for their removal. However, the retained higher ground around the root protection areas of these trees would result in significant changes in levels that would further restrict the usability of parts of the already small gardens for the dwellings. The trees are afforded a degree of protection by virtue of their location within the CA. Even so, the adverse effects arising from this relationship could result in significant pressure for works within the root protection areas or the removal of these trees which add to the verdant character of the wider area.
12. In accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Telegraph Hill CA. For the reasons above, I find that the proposed dwellings would be intrusive and incongruous, and that the development would cause significant harm to the character and appearance of the CA and thus its significance. Given the scale of the development and that visual impacts would be relatively localised, I find that harm to the CA would be less than substantial in the terms of the National Planning Policy Framework (the Framework) which goes on to advise that this harm should be weighed against the public benefits of development.
13. Notwithstanding its condition, the existing dwelling on the site is unobtrusive and I find that it has a very limited visual impact on the CA. Accordingly, and in view of my findings above, its replacement by the development would not represent an enhancement of the site. The proposal would make effective use of the previously developed site and would deliver a net gain of one dwelling within a built up area with access to services and public transport. In these regards, it would align with objectives within the Framework and the London Plan – The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP) seeking to significantly boost the supply of housing and to provide a choice of homes. I also note emphasis given to the role of small sites such as this in the delivery of housing within the emerging London Plan and the Framework.
14. The dwellings would additionally meet relevant standards for energy efficiency and the quality of accommodation. However, these benefits and the contribution to the supply of homes locally are limited by the small scale of the development. Even taken together, I therefore find that public benefits of the proposal would be insufficient to outweigh the less than substantial harm to the CA, a matter to which I give considerable importance and weight in accordance with the Framework.
15. For these reasons, I conclude on this main issue that the proposal would cause unacceptable harm to the character and the appearance of the Telegraph Hill CA.

It would accordingly conflict with Core Strategy Policy 15 and Core Strategy Policy 16 of the Core Strategy 2011 (CS), DM Policy 33 and DM Policy 36 of the DMLP, and Policies 3.5, 7.6 and 7.8 of the LP. Collectively, these policies broadly require high quality development which responds to local character, and which preserves or enhances conservation areas. There would also be conflict with Core Strategy Policy 12 of the CS and DM Policy 25 of the DMLP which generally protect trees and seek their retention.

Living Conditions

16. The proposed dwellings would be of lesser height than 10 Greenstreet Hill, but the proposal would result in a significant increase in the overall scale of development on the site and the dwellings would project above the ground floor window to the side of No 10. Whether or not this is a secondary window, the dwellings would extend for nearly the full width of the side of this neighbour as well as some way to its front. Given this relationship and the very limited separation of the development from this neighbour, I consider that the development would be an unduly dominant feature which would harm outlook from the ground floor window of No 10.
17. Separation to the rear of dwellings on Pepys Road would be greater but not sizeable, and while distances would reflect guidelines within the Residential Standards Supplementary Planning Document 2012, these are concerned with providing for privacy rather than outlook. The adjacent dwellings on Pepys Road are at a lower level than the appeal site, and though they currently have views towards No 10, the development would be much closer. It would also be deeper than No 10 and would extend across the whole width of the rear of 130 Pepys Road and a significant proportion of the width of Nos 128 and 132. Notwithstanding the set in of the dwellings from the boundaries and that their ground level would be below the neighbouring gardens, I find that the height, depth and bulk of the development in combination with its proximity to the rear windows and gardens of Nos 128, 130 and 132 in particular would be overbearing, and would lead to a degree of enclosure and loss of outlook that would be oppressive.
18. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings. Accordingly, it would conflict with Core Strategy Policy 15, DM Policy 32 and DM Policy 33 of the DMLP and Policies 7.4 and 7.6 of the LP which together broadly seek to avoid adverse impacts of development on neighbouring amenity.

Conclusion

19. For the reasons given above, the proposal would conflict with the development plan when it is read as a whole and there are no material considerations which outweigh this conflict. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR