
Appeal Decision

Site visit made on 13 January 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/C5690/W/20/3258108
125-131 Kirkdale, London SE26 4QJ

- 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 M Bernard against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/116605, dated 1 May 2020, was refused by notice dated 8 July 2020.
 - The development proposed is for a fifth-floor rear extension to create 1 x two bed apartment.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the draft London Plan has reached the 'Intend to Publish Stage' and as a result the emerging policies it contains carry significant weight.

Main Issues

3. The main issues are the effect of the development on: (i) the character and appearance of the host building and surrounding area; and (ii) the living conditions of the occupiers of no's 131 and 133 Kirkdale having regard to privacy.

Reasons

Character and appearance

4. The host building is a dual aspect property situated within a row of shops fronting Kirkdale (a busy high street). There is an access road to the rear serving the existing residential units within the building. The surrounding area is characterised by buildings of varying heights and designs. Overall building heights in the vicinity generally reduce when moving away from Kirkdale into the side roads connected to it. The taller building heights of properties along Kirkdale are a noticeable characteristic of the area and are particularly prominent from public vantages along Willow Way.
5. The appeal scheme would add a fifth storey to the host property. The appellant suggests there are other buildings nearby which are five storeys in height. However, most of the properties close to the appeal building are four storeys or less. The proposed dwelling would result in the appeal building becoming taller at the rear than the component which directly faces the high street.

6. At my site visit I could see that the appeal property also sits on higher ground than other properties along Willow Way. The height and massing of the proposed fifth floor extension to form a new dwelling would appear excessive in this context. It would not respect the proportions of the host property or the surrounding building heights it is closest to. The additional storey would make the overall bulk and mass of the appeal building overly dominant within the row of properties it is seen in the context of. The effect would harm the appearance of the host property and the surrounding area.
7. I acknowledge that planning permission was previously granted to make the building taller under planning application DC/16/099356. Nonetheless, the height increase of that scheme was stepped so it did not involve the entire rear elevation. The appeal scheme would be significantly taller and its dimensions more dominant and noticeable as a result.
8. I note the appellant's choice of external facing materials aims to give the dwelling a more recessive appearance in the skyline. But I do not accept that the approach described would be enough to reduce the overly dominant qualities of the dwelling. Its height and mass would still be prominent.
9. I find that the development would harm the character and appearance of the host building as well as the surrounding area. It would conflict with Policy 15 of the Lewisham Core Strategy Development Plan Document 2011 (LCSDLD) and Policies DM30, DM31 and DM32 of the Development Management Local Plan 2014 (DMLP) which combined encourage high quality design and seek that new is sensitive to local context and responds to local character. It would also be contrary to Paragraphs 124 and 127 of the National Planning Policy Framework (the Framework) which collectively support good design and development which adds to the overall quality of an area.

Living conditions

10. The appellant has submitted plan information showing the distance of the proposed window serving 'Bedroom 2' in relation to other properties. The appeal dwelling would be positioned around 12.7 metres from the rear facing windows of no. 133 Kirkdale. The window would also be located around 11 metres from the windows of no. 131 Kirkdale within the appeal building.
11. I appreciate that the proposed window of the appeal dwelling would have an angled relationship to the windows of those neighbouring properties. Nonetheless, the impact to privacy would still be intrusive. The proximity and height of the proposed window relative to neighbouring properties would erode from existing privacy levels by an unacceptable degree.
12. I have considered a planning condition for obscure glazing to overcome this issue, but such a condition would result in an unsatisfactory outlook for occupants of the proposed dwelling. It would also appear odd on the façade of the building impacted upon.
13. The appellant also refers me to the Council's assessment of living conditions associated to the scheme permitted under planning application reference DC/16/099356. I accept there may be some inconsistencies in how neighbouring windows are described but the appeal scheme would result in a materially different impact owing to its height and design. Therefore, I give no significant weight to the comparisons made to that previous decision.

14. I therefore conclude that the development would harm the living conditions of the occupiers of 131 and 133 Kirkdale owing to a reduction in privacy levels. This would be contrary to Policy 15 of the LCSDLD and Policies DM31 and DM32 1(b) of the DMLP which combined seek that new development provides satisfactory levels of privacy and outlook.

Other considerations

15. I have carefully considered the appellant's point that the scheme will bring forward a new 2-bedroom apartment. This would contribute positively towards the borough's housing supply in an accessible location close to services. I also appreciate that allowing the building height increase has benefits in terms of land use efficiency and the general approach reflected in recent changes to permitted development rights. Moreover, I have had regard to the references of the provisions of the Draft London Plan which support additional homes inclusive of dual aspect housing provision.
16. However, there is no evidence before me to suggest that the Council is failing to meet its existing housing requirements and the subsequent benefit to housing supply would be modest. Therefore, I give moderate weight to those considerations. There is also no evidence that permitted development rights could be utilised to build a comparable scheme on the site.

Planning Balance and Conclusion

17. I have found that the development would conflict with the Council's development plan. I accept there would be some benefits in allowing a new dwelling in this location. But those benefits would not outweigh the harm to the character and appearance of the area or the harm to the living conditions of neighbouring occupiers. Accordingly, there are no other material considerations which lead me to the conclusion that the Council's development plan should not be followed.
18. For the reasons given above the appeal does not succeed.

Matthew Shrigley

INSPECTOR