

Appeal Decision

Site visit made on 5 February 2021

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2021

Appeal Ref: APP/C5690/W/20/3261131

2 Radlet Avenue, London, SE26 4BZ

- 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 J Taylor against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/114651, dated 12 November 2019, was refused by notice dated 26 June 2020.
 - The development proposed is a retrospective application for the erection of a two storey, 3 bed dwelling (with part one, part two level basement) with associated landscaping, bin and cycle storage to the side of 2 Radlet Avenue, SE26.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey, 3 bed dwelling (with part one, part two level basement) with associated landscaping, bin and cycle storage to the side at 2 Radlet Avenue, London, SE26 4BZ in accordance with the terms of the application, Ref DC/19/114651, dated 12 November 2019, subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 16323/01A; 18321/02; 18321/05; 18321/06; 18321/08; 18321/07; 18321/10; Supporting Statement; Site Location Plan; Construction Logistics Management Plan 1st September 2019; External materials (Received 14th November 2019); 19326-01 Rev.A, 19337-01 Rev.A, 19337/03A, 19337/04A, 19337/05A, (Received 29th January 2020).
 2. The basement must incorporate a positive pumped device or other suitable flood prevention device to avoid the risk of sewage backflow causing sewer flooding. This shall be installed and operational prior to first occupation and retained in working order thereafter.

Preliminary Matters

2. I use the Council's description of development, which is more concise than the application form.
 3. The works were close to completion at the time of my visit; this does not alter my approach to determining the merits of the proposal.
 4. The majority of the works have been previously approved (Appeal Ref: APP/C5690/W/19/3225230) and are not at issue. The Council is concerned that the (increased) size of the basement would not be conducive to good
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quality living as well as with the aesthetics of the front lightwell. I need only consider these two matters.

Main Issues

5. The main issues are the effect of the proposal on living conditions for future residents and the character and appearance of the locality.

Reasons

Living conditions

6. The Council's policy and practice would generally be to restrict basement development to one storey but the planning authority does reasonably embody a degree of flexibility within this. In this instance the Council is concerned that the lower basement area would be unacceptable due to the enlarged upper basement with the two storey space at lower level being of poor quality given a low floor to ceiling height and a lack of natural light and outlook.
7. For my part I found the ceiling height to be adequate for the ancillary and intermittent uses listed by the Council and the Appellant. I was impressed by the degree of borrowed natural light which was able to penetrate a large part of the basement structure. Clearly the basement would not have outlook associated with above ground level but it seemed to me with the ambience which could be offered in this generous space there would be no undue sense of uncomfortable enclosure. The basement's form would in my opinion be suited to its intended functions and rather than being a negative on the residential amenity front it would provide a pleasant and positive attribute.
8. Lewisham Core Strategy (CS) Policy 15 along with Policies 30 and 31 of the Development Management Local Plan (LP) have relevance to this issue. Taken together, and amongst other matters, they seek to ensure that development is of high quality and a part of this is to provide good quality living conditions for the Borough's residents. Given the nature of the basement I conclude that the appeal proposal would not run contrary to these policies. I note the policies share similar *objectives* to the Council's Residential Standards SPD (SPD) of the Local Development Framework (2012). This is a document which cannot be expected to cover in detail every eventuality and in this instance, I conclude that it would be reasonable to apply a degree of flexibility to the guidance therein.

Character and appearance

9. The front lightwell has increased in size and been relocated when compared to the appeal approval referred to above. The Council is concerned that it would now be highly visible and appear as an incongruous element within the streetscene. The case is made that it would not respect or complement the setting.
10. Once again, I find myself at odds with the Council's opinion. Nothing I saw from alongside or more distant was jarring on the eye. The front lightwell was well ensconced in immediate and wider hard and soft landscape and only with real effort could it be discerned from the public realm. I appreciate that it is unusual in its form and size as well as distance from the front elevation but in this instance, it is simply benign in visual terms. There may not be others

around nearby but its presence is certainly not harmful in character terms; the attributes and common themes of this pleasing locality are not degraded.

11. CS Policy 15 along with LP Policies 30 and 31 taken together, and amongst other matters, also seek to protect the appearance and character of neighbourhoods. I conclude that the appeal proposal would not run contrary to these policies. As previously mentioned, these policies share similar *objectives* to the SPD. Once again in this unusual case I would deem it appropriate to incorporate flexibility into the application of the SPD's guidance.

Conditions

12. The Council suggests a condition relating to working to approved plans and I agree that there should be a condition of this ilk; to provide certainty. I also agree that there should be a requirement for a flood prevention mechanism in the interests of immediate and wider amenity. On this second condition I vary somewhat from the Council's text in order to aid clarity and accord with national guidance.
13. There is no need for a 'commencement' condition as suggested as works are close to completion. Similarly, soft and hard landscape are satisfactorily implemented and thus a condition on these matters is not needed.

Overall conclusion

14. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for future residents and the character and appearance of the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR