



Appeal Decision

Site visit made on 2 February 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/C5690/W/20/3256252

9a Muirkirk Road, Catford, London SE6 1BE

- 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 Mick Burke against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/112971, dated 2 July 2019, was refused by notice dated 15 May 2020 .
 - The development proposed is demolition of an existing building and erection of a three storey block with 6 number of flats and commercial office space. The block will comprise an office unit on the ground and basement floor; one three-bedroom and one two-bedroom flats on the ground floor and four one-bedroom flats of first and second floor with associated bicycle storage, waste & recycle bin storage and both private and communal amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to policies from the London Plan (2016). I am aware that this has been replaced by the new London Plan (2021). Therefore, the policies from the London Plan (2016) are not relevant in the determination of this appeal. The Council's decision also refers to DM Policy 31 of the Council's adopted Development Management Local Plan (2014) ('DMLP') which specifically relates to alterations and extensions to existing buildings. Because the appeal scheme is for the redevelopment of a site, this Policy is not relevant to the determination of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbours;
 - whether the proposed residential accommodation would provide satisfactory living conditions, and;
 - whether the loss of any existing employment space and proposed office space are justified.

Reasons

Character and appearance

4. The appeal property is an end-terrace corner building, in an area largely characterised by two-storey properties in traditional forms, designs, and materials. Most notably, these are arranged in groups or terraces of properties in similar forms and designs, which positively contribute to cohesive street scenes. Despite incorporating a commercial frontage, the overall form and detailing of the appeal property, including its distinct parapet feature are broadly consistent with the wider terrace block that it is a part of. As such, the appeal property contributes to the distinct form and appearance of this terrace block, including its roof scape, which complement the street scene and the character and appearance of the area.
5. The new building broadly replicates the traditional form of the terrace along its ground and first floors, including its parapet feature. However, these would be viewed in the context of the substantial glazed facades and flat roof of the second storey of the new building, which also incorporates a sizeable roof terrace. While the glazing is intended to provide some mitigation to the bulkiness of the new building, due to its modest setback from the ground and first floor facades, and overall form and scale, this would contrast starkly with the traditional form and roofscape of the wider terrace and significantly disrupt and unbalance this. As such, the new building would appear as a sizeable and incongruous addition to the terrace block, to the significant detriment of the visual appearance of the street scene. Such a harmful impact would be exacerbated by the prominent corner location of the appeal site.
6. The proposed building would also occupy most of its plot. As a consequence of this, the access to Flat 1 would be via land outside the appeal site. Although the appellant asserts that this would be located off a shared access, I have no detailed information to support this. In any event, this access arrangement would not be particularly legible, appearing contrived and inconsistent with the prevailing arrangement of direct frontage accesses associated with nearby properties, thereby reflecting poor design.
7. Refuse and recycling storage areas are shown within the appeal site, adjacent to Braidwood Road. I have not been provided with any clear reasons to conclude that these areas would be insufficient to meet the refuse and recycling storage needs of the proposed development. The lightwell for the proposed basement would be modest in size and largely screened by boundary treatments. Therefore, this would have no discernible effect on the appearance of the proposed development or area.
8. Nevertheless, for the above reasons, the proposal would harm the character and appearance of the area. This would be contrary to the design aims of Core Strategy Policy 15 of the Council's Core Strategy (2011) ('CS') and DM Policy 30 the DMLP, which amongst other things seek the highest quality design in new developments. In particular, DM Policy 30 of the DMLP requires that development proposals complement urban typologies, which includes height, scale, and mass. Further, that new developments create a positive relationship to existing townscapes, roofscapes in contributing to local distinctiveness.

Quality of the proposed residential accommodation

9. The bedrooms in Flat 1 and bedroom 3 for Flat 2 would face onto their respective outdoor amenity spaces. These spaces would be separated by a combination of 1.1m high timber fencing with frosted panels above this, which would allow daylight to filter through. This, along with the provision of planting along these boundary treatments, would provide a satisfactory outlook from the aforementioned flats. Although two of the bedrooms to Flat 2 would face Muirkirk Road, the windows serving these would be separated from the public realm by a combination of low boundary treatments and planting, which is consistent with existing properties along Muirkirk Road. The architect's statement illustrates how Flats 1 and 2 would comply with the minimum built-in storage requirements, by incorporating built-in wardrobes. Accordingly, Flats 1 and 2 would offer satisfactory living conditions.
10. On the most recent information before me, the roof terrace is intended to function as private amenity space for flats 3, 4, 5 and 6. Nevertheless, and despite its overall size, this would not incorporate any physical barriers between the allocated areas for each flat. Such an arrangement would allow intervisibility between these allocated areas and compromise the privacy of users and the overall usability of the roof terrace. For this reason, flats 3, 4, 5 and 6 would not benefit from any private amenity space and would therefore fail to provide satisfactory living conditions. This would be in direct conflict with DM Policy 32 of the DMLP, which requires that residential development incorporates private, and usable external space.
11. Although the Council's decision refers to Core Strategy Policy 1 of the CS, the relevance of this Policy to the proposal largely relates to housing mix, which is not disputed between the main parties. Therefore, I find no conflict with this Policy.

Living conditions of neighbours

12. Due to the higher level of the proposed roof terrace, its use has the potential to increase the level of overlooking towards neighbouring properties and gardens. Nevertheless, the setting back of the usable parts of the terrace behind obscure glazed balustrades and planters would limit the extent of direct overlooking of neighbouring properties. Furthermore, despite its elevated position, I have no reason to consider that the level of activity associated with the use of the proposed roof terrace need cause any more of a nuisance than that generated at any of the other outside domestic amenity areas in the vicinity.
13. The proposed building would extend beyond the rear elevation of the adjoining property, 7 Muirkirk Road (No 7). The extent of this at ground floor level, would be largely screened from No 7 by its single storey outrigger. To a lesser extent, the first and second floors of the new building would also extend beyond No 7. However, any views from the rear facing windows of the proposed building would not be direct. As such, this would not have any unacceptable effect on the living conditions of the occupiers of No 7 with regard to outlook.
14. For the above reasons, the proposed development would not harm the living conditions of neighbours. Therefore, I find no conflict with Core Strategy Policy 15 of the CS, insofar as the proposal would be sensitive to the local context, with regard to neighbours.

15. The Council's decision also refers to DM Policy 30 of the DMLP. However, this Policy largely deals with matters of urban design and local character and therefore is not relevant for considering living conditions.

Loss of employment land and viability of proposed office use

16. Part of the appeal site is occupied for employment uses. This includes offices and areas used for storage, in association with the appellant's business which operates from the site. The appellant has confirmed that the floor space used for storage is no longer required. Furthermore, on the information before me I am satisfied that the proposed scheme incorporates sufficient office space to meet the appellant's future requirements. Therefore, part of the site would still be retained for employment use, albeit with some reduction in size. I have also not been referred to any specific policy basis for requiring the appellant to demonstrate that the proposed office space would be viable due to its location and size.
17. Consequently, the proposal accords with Core Strategy Policy 5 of the CS, which supports the redevelopment of employment sites for other uses including residential based on business viability, and also supports the overarching aim of DM Policy 11 of the DMLP for retaining employment uses.

Other Matters

18. The proposal would make effective use of a small site to provide additional homes, to support the need for housing locally and nationally, for which there is local and national policy support. However, the provision of five additional dwellings would only make a limited contribution to this and does not outweigh the harm I have identified.
19. The appellant has drawn my attention to a recently approved scheme¹ at Springbank Road, and I have taken this into account. This is for a detached building and therefore is not directly comparable to the appeal scheme. In any event, planning decisions are taken on individual merit and I am not aware of the full details and particular circumstances of this. Therefore, this and some local support for the proposal, along with the fact that the appellant undertook pre-application discussions, do not change my conclusions on the main issues.

Conclusion

20. I have found that the proposal would not harm the living conditions of neighbours, and that the loss of the existing employment space and provision of new office space is justified. However, the proposed development would fail to offer satisfactory living accommodation in respect of some of the proposed flats and would harm the character and appearance of the area, for these reasons and overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR

¹ DC/19/114830