



Appeal Decision

Site Visit made on 15 June 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/C5690/W/20/3261824

294-298 Stanstead Road, Catford, London SE23 1DE

- 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 Loveday against the decision of London Borough of Lewisham.
 - The application Ref DC/20/117326, dated 28 June 2020, was refused by notice dated 26 August 2020.
 - The development proposed is the construction of a 2-storey rear extension, and the installation of front elevation windows at roof level, in association with the change of use of 294-298 Stanstead Road, SE23, from Betting Office (Sui Generis) into 2 x two bedroom and 2 x one bedroom self-contained dwellings (C3), together with the provision of cycle storage and landscaping works to the rear
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description given on the decision notice and appeal form in the banner header above, as that stated on the application form refers only to the proposal being for 2 dwellings. From the plans that are before me and from reference to other sections of the planning application form, I am content that the description is correct to refer to 4 and not 2 dwellings
3. Since the Council refused planning permission the London Plan 2021 (LP) has been adopted. The Council has confirmed that the adopted LP Policies that it relies on are D4 and D6. Both the appellant and the Council have been given the opportunity to make further comments on the change to planning policy that has occurred.
4. The Council and appellant have referred to a decision¹ that prior approval is not required to form two new self-contained flats in the existing appeal property. As a result of this, the Council advises that it no longer wishes to defend reasons for refusal 1 and 2, which refer to matters relating to the principle of the change of use and the specifics of the ground floor windows to the front elevation being used to serve residential properties. Therefore, I shall determine the appeal based upon the remaining 2 reasons for refusal.
5. The appellant has made further reference to a recently granted planning permission² which includes a first-floor extension to the rear of the property. This extant permission too is a viable fallback position and I have had regard to it in reaching my decision.

¹ DC/20/117779

² DC/20/118880

Main Issues

6. The main issues are the impact of the proposed two-storey rear extension upon (i) the character and appearance of the host building and the surrounding area and (ii) the living conditions of the occupiers of adjacent dwellings, with particular reference to overlooking.

Reasons

Character and appearance

7. The appeal property is a building of distinctive appearance and is set forward of other buildings fronting onto Stanstead Road. Due to its location to the rear of the property, the proposed extension would only be viewable from very limited points within the public domain, but nonetheless it would be visible from the external areas of adjacent dwellings and commercial properties and from the garage court to the rear of properties situated on Blythe Vale.
8. The proposal would extend at two storey height beyond what was the original rear elevation of the property. Whilst its rearmost projection would not extend beyond the rear wall of 300 Stanstead Road it would be a visually dominant and incongruous addition when viewed from the areas surrounding the appeal site, due to its substantial size and bulk. The presence of what would be a very extensive flat roof would also appear at odds with the pitched roof of the original building. Collectively, this would cause significant harm to the character and appearance of the host building and the surrounding area.
9. The extension to the rear of the property that has been permitted by the recently granted planning permission is not of the same size and bulk as that of the appeal proposal. Therefore, this fallback position does not justify the development that is before me. Whilst it is suggested that the proposal would result in the removal of blue paint, the current appearance of the building is well integrated into the street scene and not unduly harmful to it. Therefore, this consideration does not weigh in favour of the appeal proposal.
10. For these reasons I conclude that the proposed two-storey rear extension would cause significant harm to the character and appearance of the host building and the surrounding area. Therefore, it would fail to accord with Policy D4 of the LP, Policy 15 of the Core Strategy 2011 (CS) and Policies DM30 and DM31 of the Development Management Local Plan 2014 (DMLP), where they seek to protect character and appearance. There would also be a conflict with the National Planning Policy Framework (The Framework) where it seeks to achieve well-designed places.

Living conditions

11. The proposed first floor window closest to the boundary with 290 Stanstead Road would not face directly towards the garden of this property. Even though the common boundary with No 290 is tapered, overlooking from the window in question would be oblique and would not be into the adjacent dwelling itself or onto the areas of its garden closest to it. Therefore, any overlooking that did result would not be harmful to the living conditions of the occupiers of this dwelling.
12. The building to the other side boundary is in commercial use, with signage indicating it is in use as a bookshop and solicitors office. Any overlooking from

the first-floor windows closest to that boundary would not therefore result in harm to living conditions, as the property is not in residential use.

13. For these reasons I conclude that the proposal would not cause harm to the living conditions of the occupiers of nearby dwellings. Consequently, there would be no conflict with Policy 15 of the CS and Policies DM30 and DM31 of the DMLP, where they seek to protect living conditions. There would also not be a conflict with The Framework in this respect.

Other Matters

14. The Government's objective is to significantly boost the supply of housing and the proposal would provide 4 modern apartments in an existing urban area, of a size that would exceed adopted space standards. There would also be a time-limited benefit through the generation of employment during the construction period. However, the delivery of housing units and employment provided would not be substantial in their scope and therefore provision of the additional housing can attract only limited weight in support of the proposal.
15. Whilst the proposal may provide larger residential units than the prior approval scheme this does not justify the level of harm to character and appearance that I have identified. It is not clear from the evidence before me as to how the appeal proposal would be more accessible than the prior approval scheme, however this consideration also does not outweigh the harm arising. The extant planning permission demonstrates that the appeal proposal is not the only way in which the use of high-quality materials and landscaping could be secured on the appeal site.
16. I acknowledge that no objections were received to the appeal proposal, however this does not justify a harmful development and therefore does not weigh in its favour.

Planning Balance & Conclusion

17. Although I have found that the proposal would not cause harm to living conditions, I have found significant harm to the character and appearance of the host building and the area. This means that the proposal would fail to accord with the development plan taken as a whole. Whilst there would be a benefit to the supply of housing and employment, this does not outweigh the harm I have found.
18. Therefore, there are no material considerations, including The Framework, that indicate that a decision should be made other than in accordance with the development plan and I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR