

Appeal Decision

Site visit made on 14 June 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/C5690/W/20/3258368

31 Clayhill Crescent, Grove Park, London SE9 4JA

- 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 Mustafa Hussein against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/113950, dated 16 January 2020, was refused by notice dated 17 March 2020.
 - The development proposed is 'end of terrace dwelling attached to existing dwelling owned by applicant on land containing an existing detached garage to be demolished'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal submissions include drawing reference 894/09/C. The latest revision to this drawing post-dates the Council's decision and, therefore, would not have been taken into account. Accordingly, I have had regard to the previous version of this drawing, 894/09/B, together with the other drawings taken into account by the Council in reaching its decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons

4. No 31 is a two story end-of-terrace dwelling in a residential road of similar terraced dwellings. There is a substantial gap between Nos 31 and 33, which is the proposed site of the new dwelling that would adjoin No 31.
 5. Policy 15 of the Lewisham Core Strategy (2011) (CS) and DM Policy 30 of the Development Management Local Plan (2014) (DMLP) require development to be of high quality design. Spatial Policy 5 of the CS requires that new development should protect or enhance the quality of Lewisham's character. DM Policy 32 concerning housing design and layout, and DM Policy 33 concerning infill and backland development, both from the DMLP, require
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- amongst other matters that development responds positively to the site and surrounding area.
6. The Council contends that the proposed building should read as a two storey side extension and should, therefore, comply with the *Alterations and Extensions* Supplementary Planning Document (SPD). However, while the proposed building would adjoin the existing terrace, the application is for a new dwelling rather than an alteration or extension to an existing building. For this reason, I have considered it as such and have not had regard to the SPD.
 7. The terrace of which No 31 is part is largely uniform in its character and appearance, with the only visible change being an extension to the property at the other end to No 31. However, this is a domestic scale side extension, which has not materially altered the original form and appearance of the terrace. The main characteristics of properties within the terrace are upper and lower floor main bay windows with a covered porch above the front door and a smaller window above this.
 8. The proposed dwelling would replicate these features but across a more limited frontage width. Consequently, the windows would be narrower than those of the existing dwellings and the front door would be directly next to the ground floor bay window, whereas there is a gap between these features in the existing dwellings. As such, the proposed dwelling would have a contrived and cramped appearance seen in the context of the original terrace. Moreover, while the new dwelling would retain the current hipped roof form it would also include a side-facing gable extending beyond the main side elevation. This uncharacteristic feature would further draw attention to the new dwelling, which overall would not respond positively to its context and would result in material harm to the character and appearance of the terrace and wider street scene.
 9. The appellant refers to the plot size being similar to those of other dwellings in the street. However, this does not alter the harmful effect that the proposal would have in this particular setting, with regard the uniform character and appearance of the existing terrace. Reference is also made to an approved development at Catford, although this has no direct bearing on the street scene in which the appeal site is located. While the proposal would make use of undeveloped land, this is not sufficient reason to overcome the harm that would result from the proposal as found above.
 10. Accordingly, for the reasons given, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the street scene. Consequently, it is contrary to Policy 15 and Spatial Policy 5 of the CS, and to DM Policies 30, 32 and 33 of the DMLP, as described above.

Other Matters

11. I have had regard to other matters raised by interested parties. These do not, however, raise any additional matters in relation to the main issue in this appeal that would lead me to reach a different overall conclusion.

12. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions¹ and should be taken into account in dealing with applications². It requires that plans and decisions should apply a presumption in favour of sustainable development³. In the circumstances of this appeal where there are relevant development plan policies, this requires an assessment of whether the policies which are most important for determining the application are out-of-date.
13. I am not aware that either main party refers to the Council's current supply of housing land. Consequently, the presumption would not be engaged as a result of housing under-supply in accordance with footnote 7 to paragraph 11. Furthermore, the most important policies for determining the application from the CS, Policy 15 and Spatial Policy 5, and from the DMLP, DM Policies 30, 32 and 33, are not out-of-date as they are consistent with the Framework's advocacy of well-designed places⁴.
14. While the proposal would help to meet the Framework's objective of boosting housing supply, particularly in the form of a small property, this is not a sufficient reason to outweigh the harm and conflict with the development plan that has been found.

Conclusion

15. The proposal would result in material harm and is contrary to the development plan. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

¹ Paragraph 2.

² Paragraph 212.

³ Paragraph 11.

⁴ In accordance with paragraph 213.