



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: 13 July 2021

Appeal Ref: APP/C5690/W/20/3260037

241 Stanstead Road, Catford, London SE23 1HU

- 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 LNRC against the decision of London Borough of Lewisham.
- The application Ref DC/20/116740, dated 28 April 2020, was refused by notice dated 14 July 2020.
- The development proposed is the demolition of the existing building at 241 Stanstead Road SE23 and construction of a four storey building including basement comprising private members club and 5 self-contained flats (4x1 bed and 1x2 bed) above, together with the construction of 4 two storey, two bedroom terraced houses to the rear fronting onto Park Rise Road.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council refused planning permission the London Plan 2021 (LP) has been adopted. The parties have drawn attention to adopted LP Policies GG2, D1, D3, D4, SD1 and H2 and have been given the opportunity to make further comments on the change to planning policy that has occurred.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area and (ii) whether acceptable living conditions would be provided for the future occupants of the proposed houses, with particular reference to overlooking.

Reasons

Character and appearance

4. There is a great variation in the scale, age and design of development in the immediate vicinity of the appeal site and beyond. Infilling along Park Rise Road has resulted in two storey development that varies in design, appearance and positioning. The more recent properties on the opposite side of Park Rise Road are generally located so close to each other that there is no perceptible gap between them, although the fact that they are set back from the road to allow parking on their frontages provides visual relief and lessens their impact on the street scene. The visual separation that has remained between these properties and those on the corners of Stanstead Road and St German's Road has also softened their impact on the street scene.

5. There are two infill dwellings on the same side of Park Rise Road as the appeal site. These have spacing in between each other, between the appeal property and between the property which sits on the corner of St German's Road, and this arrangement contributes positively to the street scene. Although there are elements of the appeal property and its boundary wall that are built directly onto the boundary with Park Rise Road, these are not comparable in height and overall massing to the proposed houses that are subject to the appeal.
6. The proposal would introduce a continuous built development of two storey houses between the proposed 4 storey building and the existing dwellings on Park Rise Road. There would be only a limited set back from the public highway and some projection of first floor elements towards the road. For these reasons, the proposed houses would create a new development with an overall massing and arrangement that would appear cramped and would not be in keeping with the more spacious feel and visual separation found along Park Rise Road. This would cause significant harm to the character and appearance of the area.
7. The Council's delegated report makes reference to additional concerns regarding the external facing materials that are proposed, the roof designs and the layout of the proposal that would place part of the club at basement level with an open outside area on the site frontage. The materials would however be appropriate for the contemporary design that is proposed and within the surrounding area, in particular on consideration of the extant planning permission that is in place at 239 Stanstead Road. The roof designs would be visually appropriate for the proposal and within the surrounding area.
8. The arrangement of the new private members club would allow the use to be consolidated on a part of the site nearest Stanstead Road which would be likely to minimise the impact on the occupiers of nearby residential properties. This appears to be a well thought out design and does not indicate an overdevelopment of the appeal site. However, my findings in this respect and with regard to the proposed materials and roofs do not overcome the overall harm I have identified to the character and appearance of the area.
9. The appellant has drawn attention to the Council's consultation on a draft Small Sites Design Guide Supplementary Planning Document and to illustrations contained in it. As this is not an adopted document and could change in its scope following consultation it does not carry weight in the determination of this appeal. Furthermore, although the illustrations show an arrangement similar to that which is proposed, each individual proposal must be considered primarily upon its own merits. I have also been referred to existing developments within the surrounding area, many of which I observed during my site visit. However, the impact in this case is specific upon the section of Park Road Rise in which the appeal site is located, and I have made my assessment on that basis.
10. In conclusion, the proposed houses fronting onto Park Rise Road would cause significant harm to the character and appearance of the area. Accordingly, the proposal would fail to accord with Policies D3 and D4 of the LP, Spatial Policy 5 and Policy 15 of the Core Strategy 2011 (CS) and Policies DM30 and DM33 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 kitchen window to the proposed first floor flat which faces towards the garden of the nearest proposed house could be obscurely glazed without compromising the living conditions of the occupants of that flat, as the kitchen is open plan with the living room and there is another window available to provide an outlook and ventilation. This could be secured by a planning condition and would prevent overlooking from occurring onto the proposed house.
12. The approved development at No 239 has not taken place and as such the balcony which is of concern to the Council is not present. However, the balcony would not face towards the house in question or its garden area, and it would have a 1.8-metre-high screen along most of its side closest to the appeal site. These factors would mean that the balcony would not give rise to harmful overlooking onto the appeal development.
13. For these reasons I conclude that acceptable living conditions would be provided for the future occupants of the proposed houses, with regard to overlooking. Consequently, there would be no conflict with Policy D3 of the LP, Policy 15 of the CS and Policies DM32 and DM33 of the DMLP, where they seek to protect living conditions. There would also be no conflict with The Framework in this respect.

Other Matters

14. The proposal would make efficient use of previously developed land and would provide 9 new dwellings in an urban location that has good access to services and facilities. A bespoke replacement private members club would also be provided, and this too could offer social and economic benefits to the surrounding area. There would be a contribution to infrastructure via the Community Infrastructure Levy and the proposal has been designed using sustainable materials and to be energy efficient. However, given the relatively limited scale of the proposal, the provision of the additional housing and the other benefits arising attract moderate weight in its favour.

Planning Balance and Conclusion

15. Although I have found that the proposal would provide acceptable living conditions for its future occupants in terms of the overlooking concerns that have been raised, I have found significant harm to the character and appearance of the area. Whilst there is support in the development plan for bringing new housing forward, making efficient use of land and for the appropriate redevelopment of existing sites, the fact that the proposal would conflict with those policies which seek to protect character and appearance means that it would fail to accord with the development plan, taken as a whole.
16. There would be benefits of moderate weight arising from the construction of the proposed dwellings and replacement private members club. These benefits would not however outweigh the harm that would result, and the subsequent conflict with the development plan.

17. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.

Graham Wright

INSPECTOR