



Appeal Decision

Site visit made on 5 July 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 JULY 2021

Appeal Ref: APP/C5690/W/21/3266864

33 Campshill Road, Hither Green, London SE13 6QU

- 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 Simon Catling (N Hillman and Sons Ltd) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/116690, dated 13 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is for the construction of one additional storey on the existing building and four-storey rear extension at 33 Campshill Road SE13, to increase the size of the flats and provide 2, three-bedroom self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development provided on the Appellant's appeal form and the Council's Decision Notice, which more accurately and clearly describes the proposal before me.
3. A new London Plan was adopted in March 2021. However, the application in this case was submitted in July 2020. As such, the Council have relied upon Policies contained within the Lewisham Core Strategy 2011, (LCS), and the Lewisham Development Management Local Plan 2014, (LLP). Nonetheless, the Council has brought to my attention that Policies within the London Plan, as well as the *National Planning Policy Framework* (the Framework), now forms part of any relevant determination. I have proceeded accordingly.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of the existing and future occupiers,
 - the land to the rear of the proposal,
 - refuse and recycling storage,
 - cycle storage,
 - car parking, and;
 - affordable housing.

Reasons

Character and appearance

5. Campshill Road is located in a dense residential area of brick and tile dwellings that includes a number of 3-5 storey apartment type buildings. Campshill Road leads onto Courthill Road that links with Lewisham High Street where a range of shops and services can be found within walking distance of the appeal site. The host building, No 33 Campshill Road, faces onto a small shopping parade behind a footway and a verdant hedged boundary. There is on-street parking to the front of the shopping parade, as well as some off-street parking to the front of the surrounding dwellings, while parking to the front of the appeal building is restricted by a single yellow line.
6. No 33 is an attractive 3-storey basement apartment type building that has brick and turquoise-panelled elevations to the front where the 'sunken' patios associated with flats 1 and 2 can be seen. The patios, as well as the linear upper floor windows and 'Juliet' balconies, look onto the waste and recycling areas to the front of the development which are set back behind the established hedged boundary.
7. The rear of No 33 can be accessed via a timber gate and path to the left-hand side of the building when viewed from the road that leads to a paved, unkempt open cycle storage type area to the left-hand side. From the cycle storage area the rear elevations and balconies of No 33 can be seen, which look on to the modest gardens of flats Nos 1 and 2. The gardens can be glimpsed to the side of the property over a timber fence and currently accommodate a range of play-equipment and storage buildings. Beyond the rear boundary of the gardens there is an overgrown former drying area/parcel of land that separates No 33 from the properties seen on Longbridge Way.
8. The proposal is to construct an additional storey of two x 3-bedroom dwellings atop the flat-roofed development in materials to match the host property. The existing two-bedroom dwellings would be extended and reconfigured as 3-bedroom dwellings. There would be covered cycle storage as well as a refuse and recycling area constructed on the open cycle storage area.
9. I acknowledge the Appellants reference to a scheme¹ in support of this appeal, which is noted. However, I have limited details of that scheme before me. Therefore, as is correct, I have assessed the proposal in this case on its own planning merits.
10. As such, the proposed development would be located in an established and sustainable residential area. Therefore, the principle of development is accepted. Moreover, while the submitted drawings are less than ideal, the extent of the proposal would result in separation distances similar to those seen in the surrounding tight-knit built environment. Indeed, while I noted at my site visit that the proposal would be seen from the highway when travelling along Campshill Road towards Courthill Road, the development would nevertheless be comparable in appearance and type to other 3-5 storey apartment buildings nearby, which I noticed are typified by brick elevations and regularly spaced fenestration facing the street. As such, I conclude that the proposal would accord with the character and appearance of the area.

¹ DC/18/109561

11. Therefore, in respect of the character and appearance of the area, the proposal meets the aims of Policy 15 of the LCS, and Policies 30 and 31 of the LLP which say, amongst other things, that the Council will require all development proposals to attain a high standard of design.
12. For similar reasons, the proposal meets the requirements of Paragraph 127(c) of the Framework, which objectives include that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

13. While the proposal would contribute two new family-sized dwellings to the Council's housing supply, add an additional bedroom/ensuite to the existing properties, and have garden spaces in excess of the London Plan, the fact remains that the bulk and mass of the proposal to the rear of No 33 would loom over the gardens of flats Nos 1 and 2, and hence erode the privacy of those using the garden spaces. For example, but not limited to, when carrying out leisure activities, al-fresco dining and undertaking small-scale gardening. Nonetheless, and whether a development in Sydenham Hill² is an acceptable form of development or not, the Appellant contends that the proposed development would be no different from the existing arrangement. However, I find to the contrary; at my site visit I noticed that the gardens are already relatively enclosed by the balconies to the upper-floors of the building. As such, as a consequence of the proposal, the gardens associated with the lower ground-floor flats would be further enclosed by the additional new balconies and protruding extensions.
14. Moreover, the addition of the new bedrooms at lower-ground floor level would substantially reduce the limited garden space, which in combination with the proximity of the overshadowing tree/shrub-rich land to the rear, would diminish the usefulness of what appears to be well-appreciated garden areas.
15. Furthermore, notwithstanding the dual aspect of the apartments, the Appellants' submitted 'daylight and sunlight assessment', dated May 2018, is somewhat limited in order to assess whether there would be acceptable levels of sunlight and daylight available to the occupiers of the proposed development or not. Indeed, the assessment does not include detailed drawings or diagrams, and appears to relate to a different proposal altogether³.
16. Therefore, from the submitted plans before me, I note that the windows looking onto the garden space from the slim and relatively deep, lower ground-floor apartments would be set back from the bedroom extension, and that the outlook to the front from flats Nos 1 and 2 is onto a sunken terrace that sits down behind a dense hedged boundary treatment.
17. This leads me to the conclusion, particularly given the orientation of flat 1, that the bulk of the proposed development to the rear, and the siting of the existing terrace to the front, would result in gloomy living spaces for existing and future occupiers.

² DC/20/115160

³ DC/18/108475

18. In addition, the sustainable location of the proposal is likely to be attractive to a range of households, including older people and those with disabilities. However, while the proposed units would technically meet the required London Plan space standards, the uncomfortable and awkward layout of the new and extended units is such, that the Council considers that the proposed development would not meet with M4(2) requirements. Indeed, even if the units were to be M4(2) compliant, the narrow living/dining/kitchen space would provide limited opportunities for the type of furniture and equipment that is likely to be needed by those with increased mobility issues. I conclude therefore, given my findings above, that the proposal in combination with the internal bathrooms, would harm the living conditions of the existing and future occupiers, which would not be outweighed by the provision of additional bedroom space and two new dwellings.
19. Consequently, in respect of living conditions, the proposal is contrary to Policies 1 and 15 of the LCS, and Policies DM 30, and DM 32 of the LLP as supported by the London Plan, which require that developments provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy, and Paragraph 127 (f) of the Framework, which says that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Adjacent land

20. The overgrown land to the rear of the development appears not to have been used for some considerable time, and while I note that there was no recorded interest in developing the land at the time of the application, and irrespective of its previous use, the scarcity of development or amenity land is such that it may offer a future purposeful development use. However, in comparison to the simple side elevations of the dwellings seen on Longbridge Way, the proposed development, which I cannot be certain would always be shielded by trees, would be in close proximity to the appeal site boundary and have balconies that would look directly over the land. As such, the proposal would be likely to limit or extinguish the future development potential of the land. I conclude therefore that the proposal would prejudice future use of the land.
21. Therefore, in respect of the adjacent land, the proposal is contrary to Policy 15 of the LCS, and Policy DM30 of the LLP, which aims include that proposals create a positive relationship to the existing townscape, and the Framework when considered as a whole.

Refuse and recycling

22. The refuse and recycling storage for the proposal would be positioned to the side/rear of the development. While this location would not be as convenient as the positioning of the refuse and recycling storage to the front of No 33, for the use by the occupiers of flats 1-8, the storage would not be located in an unexpected place for facilities of this type. Moreover, I am satisfied that these facilities could be secured by condition. Therefore, in respect of refuse and recycling, I find that the proposal meets the requirements of Policy 13 of the LCS.

Cycle storage

23. At my site visit I noticed that the existing open cycle storage appears to be under-used. However, the proposal would include a covered and secure cycle-store. As such, the proposed cycle storage is likely to be more popular with the occupiers of No 33 than the current arrangements.
24. Moreover, the Council have confirmed that the cycle storage could be secured by means of an appropriate condition. I see no reason to disagree. Therefore, in respect of cycle storage, the proposal meets the aims of Policy 14 of the LCS, which says that cycle parking will be required for new development, as supported by the London Plan, and the Framework.

Car parking

25. While the Appellant has not provided a parking survey, the main parties agree that the proposal would be a 'car-free' scheme located in a Controlled Parking Zone. Moreover, bearing in mind Paragraph 54 of the Framework, any planning obligations or contributions in this respect should be, where possible, secured by, for example, a 'Unilateral Undertaking' or conditions. Indeed, the Appellant is agreeable to such an undertaking or condition.
26. Therefore, in respect of car parking, the proposal accords with Policy 29 of the LLP, and Policy 14 of LCS, as supported by the London Plan, which require amongst other things, that a managed and restrained approach to car parking provision will be adopted, and Paragraph 54 of the Framework which requires that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Affordable housing

27. I acknowledge that a scheme of 10 units would technically trigger the need for affordable housing provision. Moreover, while I cannot be certain whether the proposal has remained in the same ownership since the original application⁴ for 8 units or not, it is clear from the submitted drawings that the proposal would be a single planning unit.
28. Nevertheless, I am not convinced that the proposal and the existing building should be treated as a single development. Indeed, notwithstanding a number of permitted, refused or withdrawn applications associated with the site, a significant period of time has passed since the original permission to allay concerns that the proposal before me is either a second phase of the development, or that the development was deliberately designed to avoid the affordable housing threshold of 10 units.
29. Therefore, on balance, given the particular scale and nature of the proposal, the existing development, the planning history of the site, and the relative timescales of the applications and completed development, I conclude that the appeal proposal represents an extension to the existing development, rather than a phased addition.

⁴ C/13/082780/X

30. It follows then, given that the scheme before me relates to two new units, that the proposal would fall outside the threshold for affordable housing as set out in the development plan. Therefore, a S106 planning obligation related to affordable housing is not required in this case in accordance with Policy 1 of the LCS, which says planning applications that accord with the policies in the LLP (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise, and Paragraph 63 of the Framework which says that provision of affordable housing should not be sought for residential developments that are not major developments.

Conclusions

31. Whilst I have found in favour of the Appellant on the first, fourth, fifth, sixth and seventh main issues, this does not justify the harm identified in the second and third main issues. The proposed development would conflict with the adopted development plan in respect of the second and third main issues, and there are no material considerations indicating a decision otherwise than in full accordance with it.
32. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR