



Appeal Decision

Site Visit made on 29 June 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/C5690/W/21/3271335

Land to the rear of 158 George Lane, Hither Green, London SE13 6HW

- 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 Vernet Brown against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/118048, dated 19 August 2020, was refused by notice dated 29 October 2020.
 - The development proposed is described as 'new two storey two bedroom dwelling on infill site'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are several different descriptions of the appeal site included on the application form, decision notice and appeal forms. The application form refers to 'land to the rear of the property adjoining Davenport Road'. However, this is not accurate. I have therefore taken the site address from the appeal form which more accurately refers to the appeal site as 'land to the rear of 158 George Lane'.
3. During my site visit I noted that 158 George Lane (No 158) comprises various flats. Indeed, the planning history suggests that the property comprises four self-contained flats. It was not possible to determine the specific flat numbers and the appellant has not responded to requests for clarification on this matter. Therefore, references made in this decision to No 158 should be taken to include reference to the flats comprised in this building. Where relevant, I have referred to the specific part of the building affected.
4. Reference is made in the Council's reasons for refusal to the policies in the London Plan (2016). Since the appeal application was decided, the latest version of the London Plan (2021) has been published and is now part of the development plan for London. The Council and appellant were invited to provide representations in relation to the relevance of the London Plan (2021) policies to the main issues. The Council responded, alleging conflict with London Plan Policies D6 and H2. I have therefore considered the proposed development in relation to these policies. The appellant did not provide any representations on the new London Plan.

Main Issues

5. The main issues are as follow:

- The effect of the proposed development upon the character and appearance of the appeal site and surrounding area.
- The effect of the proposed development upon the living conditions of the occupiers of 156 and 158 George Lane (No 156 and No 158), with particular regard to outlook.

Reasons

Character and Appearance

6. The proposed two-storey detached dwelling would be erected between 183 Davenport Road (No 183) and No 158. No 158 has been subdivided into several separate residential units, with access provided to each unit from the side, front and rear of the building. Representations provided by the Council and interested parties, including residents of No 158, indicate that, despite having recently been enclosed by a fence, the appeal site is part of the rear garden of No 158. Having visited the site and reviewed the plans submitted, I agree with this assertion.
7. The area surrounding the appeal site predominantly comprises two-storey terraced and semi-detached properties with a range of architectural styles. The terraced properties on Davenport Road have a fairly consistent layout, with small front gardens and larger rear gardens. The semi-detached properties on George Lane typically have a larger footprint and more extensive rear gardens. The Lewisham Character Study defines the site and surrounding area as falling within a 'perimeter block – urban terrace' typology, where urban form is regular and back gardens are generally enclosed.
8. The appeal site is small and as a result, the dwelling would have a particularly cramped appearance when viewed from Davenport Road. At present, the site provides a transition between the larger two-storey properties on George Lane and the smaller terraced properties, which front Davenport Road. The proposed development would completely sever this transition and would disrupt the existing pattern of development. Furthermore, the width of the proposed dwelling, which includes a flat-roof side extension, would not be in keeping with the scale of the neighbouring terraced dwellings on Davenport Road. This would further exacerbate the cramped appearance of the development.
9. The appellant suggests that the proposed height, roof design and front building line are consistent with the character of development in the surrounding area. I accept this. However, this does not outweigh the harm caused by the cramped layout and harmful visual disruption of the street scene.
10. Both parties have made various representations as to the prevailing typology of development in this part of the Borough. These representations are linked to the different classifications of settlement form set out within Development Management Local Plan (Local Plan) Policy DM33 and the design guidance contained in Local Plan Policy DM30. I consider that the surrounding area comprises a predominantly 'perimeter block' typology, with residential properties typically having a regular and legible street pattern and back gardens predominantly enclosed. However, the appeal site is slightly different,

in that the garden fronts the street. Despite this, Local Plan Policies DM33 and DM30 require that development is sensitive to local character and appearance and the quality of the streetscape, regardless of which specific typology or category the site falls within. Given my earlier findings in relation to the harmful visual impact of the development, I conclude that the development would be contrary to these policies.

11. The proposed development would also conflict with Local Plan Policy DM32, Core Strategy (2011) Policy CS15 and London Plan (2021) Policy D6, which seek in part to ensure that development is in keeping with the character of the surrounding area. There would also be a conflict with National Planning Policy Framework (Framework) paragraph 127, which seeks in part to ensure that development is sympathetic to local character.
12. Local Plan Policy DM31 and the Alterations and Extensions Supplementary Planning Document (2019) are not relevant as they relate to extensions to existing buildings. London Plan (2021) Policy H2 relates to the principle of development of small sites and is therefore not relevant to this main issue.

Living conditions

13. The proposed dwelling would be located in very close proximity to the rear elevation and garden of No 158. As a result, the development would have a dominant and overbearing impact when viewed from the garden and rear facing windows of this neighbouring property. No 158 includes a single-storey rear extension, which would be the closest part of the neighbouring building to the proposed development. When viewed from the ground floor windows in this rear elevation, the overbearing effect would be particularly severe.
14. I acknowledge that the closest part of the proposed dwelling to No 158 is set at single storey level. I also accept that the ground slopes down towards the appeal site, meaning that the proposed dwelling would be set at a lower height than No 158. There would therefore be less impact when viewed from the first-floor windows of this neighbouring property. However, there would still be a significant harmful overbearing impact when viewed from the ground floor windows and rear outdoor space of No 158.
15. The development would also be located in very close proximity to the boundary with No 156. The land to the rear of No 156 currently comprises of a parking area with a very small garden area directly adjacent to the appeal site. Due to the close proximity of the proposed two storey elevation, the development would have a harmful enclosing effect on this neighbouring garden.
16. The Council has suggested that there may also be harmful impacts associated with a loss of daylight and sunlight to these neighbouring properties. I note that the Council has not provided any evidence to support this assertion. I do not consider that there would be any significant loss of natural light to neighbouring properties as a result of the proposed development.
17. With regard to privacy, the proposed windows would be orientated such that they would face away from neighbouring properties and primary garden areas. As such, I do not consider that the proposed development would have a harmful impact upon the privacy of neighbouring occupiers.
18. The proposed development would have a harmful impact upon the living conditions of the occupants of No 158 and No 156. The development would

therefore conflict with Core Strategy (2011) Policy CS15 and Local Plan Policy DM32, which seek in part to safeguard the living conditions of surrounding occupiers. There would also be a conflict with Framework Paragraph 127, which aims in part to ensure a high standard of living conditions for neighbouring occupiers.

Other Considerations

19. The appellant has referred to the 'standard of accommodation' within their representations. However, this is not a reason for refusal and alleged compliance with associated policies in this regard does not outweigh the harm which I have already identified in relation to the main issues.
20. The Council's representations suggest that there is a mature tree in close proximity to the appeal site and that no assessment has been undertaken to demonstrate the effect of the development on this or any other trees. The Council's representations also suggest that the development would result in the loss of biodiversity. Neither of these matters were included within the Council's reason for refusal and no substantive evidence has been provided to support either of these assertions. In addition, the appellant has confirmed that two mature sycamore trees have already been removed and this was evident during my site visit. For these reasons, I find no harm in relation to these issues.

Conclusion

21. The proposed development would cause harm to the living conditions of neighbouring occupiers and would have a harmful impact upon the character and appearance of the surrounding area. The development would therefore conflict with the development plan taken as a whole and there are no other considerations which outweigh this conflict. I therefore conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR