



Appeal Decision

Site visit made on 18 March 2021

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/C5690/W/20/3247280
424 Lee High Road, London SE12 8RW

- 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 Jeremy Lodge against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/112639, dated 10 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed is the construction of a part two/part three storey building to the rear of 424 Lee High Road SE12 to provide 100m² of commercial space (B1 use) on the ground floor and a two bedroom self-contained flat above, construction of additional storey on the existing building facing Lee High Road and conversion of the existing office on the first floor to provide 1 one bedroom and 1 two bedroom self-contained flats, together with 2 car parking spaces with a vehicular turntable with access from Burnt Ash Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposed development used on the decision notice in favour of that of the original planning application form as it provides a more precise summary of development proposed.
3. A new London Plan was adopted in March 2021, replacing the previous version of the plan. A revised National Planning Policy Framework (the Framework) was also adopted in July 2021. Both parties have been provided with the opportunity to comment on the new documents and I have taken account of their representations. I have reflected the revised documents as appropriate throughout my decision letter.

Main Issues

4. The main issues are the effect of the proposal:
 - on the living conditions of the occupiers of 422 Lee High Road in regard to loss of light;
 - on the character and appearance of the area, particularly with regard to the design of the proposed rear extension, rear dormer, and fenestration to the front elevation; and

- on the setting of the grade II listed building, the former police station on Lee High Road.

Reasons

Living conditions

5. There is residential accommodation at 422 Lee High Road, directly adjacent to the appeal site, to the west. To the rear of No 422, at ground floor level, are a pair of French doors. It is not clear what accommodation is behind the doors but it is reasonable to assume that this would be living accommodation, given their location to the rear and that they provide access to the rear garden. The proposal would create built form to the east and south of No 422 which would affect the amount of daylight and sunlight to the property, and in particular the ground floor French doors.
6. The appellant has submitted a Sunlight/Daylight Study and associated diagrams on drawing Ref A1020-PL027 rev A. The information provided indicates that there would be some additional overshadowing of the French doors as a result of the proposed development. However, no detailed information or assessment has been made, for example of vertical sky components or average daylight factors. In the absence of such further data on the effect on sunlight and daylight to No 422, it has not been demonstrated that the proposal would not unacceptably harm the living conditions of the occupiers of No 422 as a result of the loss of light.
7. The proposal therefore fails to comply with the relevant parts of Policy CS15 of the Core Strategy June 2011 (the CS) which, amongst other criteria, requires developments to be sensitive to local context. It also fails to comply with Policy DM32 of the Development Management Local Plan November 2014 (the DM) which, amongst other criteria, requires that the living conditions of neighbours be protected.

Character and appearance

8. A dormer window is proposed to the rear roof slope of the proposed extension facing onto Lee High Road. This would be full width and would be relatively bulky. It would have a poor relationship to the neighbouring building to the west which has a hipped roof that would be visually dominated by the bulk and side roof profile of the proposed dormer directly on the flank elevation. The proposed dormer would also relate poorly to the lower levels of the proposed building, which would be unbalanced by its bulk and mass. Although parapet and other detailing could be controlled by condition if the proposals were otherwise acceptable, this would not change the overall bulk of the proposed dormer, and could not, therefore overcome the concerns set out above.
9. The appeal site provides a two-storey building to Lee High Road. It is part of a terrace of buildings with a wide variety of architectural styles and ages. There is little, if any, consistency to the fenestration patterns, with both horizontal and vertical emphasis, metal, uPVC and timber frames, different heading details and pane sizes and designs. The proposed fenestration to the front elevation attempts to reflect these varied surroundings as best as possible. The windows to the side columns of fenestration would be relatively large. However, importantly the middle column of windows would be larger still and reflect the dominance of the middle column of windows to the immediately

adjoining building to the west. The first floor windows reflect the one pane window set behind a parapet design detail of the buildings immediately to the east. A modern style of fenestration is proposed. In the context of the varied surrounding fenestration patterns and styles, this is an acceptable approach.

10. The rear of the site backs onto a wall to a covered entranceway to a Sainsbury's superstore, with a car park beyond. Immediately to the west is an existing building which presents a blank façade above boundary wall and structure. The proposed rear extension would also present a blank flank wall to the boundary. It would be more extensive and higher than the existing wall to the west. However, despite the proposed height, this elevation would be partially screened from public views by the car park and entranceway with its hipped roof. In addition, this elevation offers a very mixed architectural approach at present, and is clearly a secondary, rear elevation for the buildings facing Lee High Road. In this context, the proposed rear block, although undistinguished, would be of acceptable appearance.
11. The design, bulk and mass of the rear dormer window would therefore harm the character and appearance of the area and would fail to comply with the relevant parts of Policy CS15 of the CS, Policies DM30 and DM31 of the DM, and Chapter 12 of the Framework. Collectively and individually, these policies require high quality design. Policy D3 of the new London Plan requires that development make the best use of land, as well as requiring high quality design. I find no conflict with the elements of the policy in relation to best use of land, but have found conflict with regard to design quality. The proposal would also fail to comply with the Alterations and Extensions SPD, 2019, which sets out detailed design considerations in relation to dormer windows. I consider this to be applicable to the proposal because the proposed dormer window would be within a rear pitched roof slope, which is a type of roof slope that is extensively assessed in the document.

Listed building

12. To the west of the appeal site lie the Met Apartments, a grade II listed former police station that has been converted into residential flats. The proposed rear extension would intrude into long distance views of the rear of this property. However, these views are already heavily screened by the Sainsbury's car park and covered walkway, and street trees along Burnt Ash Road. In addition, the rear elevations of the existing appeal property and the neighbouring properties which can be appreciated in the same view as the proposed rear extension are highly variable in appearance and often of low architectural quality. The same applies to the proposed rear dormer. In addition, the boundary parapet wall and chimneys of the building in-between the appeal proposal and the listed building would partially screen the proposed dormer and reduce its effect on the setting of the listed building. The appeal site is also set slightly away from the listed building and the intervening property and courtyard areas help to minimise the effect of the proposal, despite the harm to the character and appearance of the area I have identified above.
13. In this context, the proposed rear extension and dormer detailing would preserve the setting of the listed building. Consequently, the proposal would comply with the relevant parts of Policies CS15 and CS16 of the CS, Policy DM36 of the DM, and Policy HC1 of the preservation of the setting of listed

buildings. The proposal would also comply with paragraphs 199 and 203 of the Framework, because no harm would be caused to the heritage asset.

Other Matters

14. Letters of objection have been received from neighbours. These raise concerns with the character and appearance of the proposal and the effect on the living conditions of the neighbours, which I have considered above. They also raise concerns regarding structural harm, maintenance, potential effect on fire escape and access to a neighbouring restaurant, and the impact on flues. These are either issues not related to planning or the concerns have not been adequately substantiated. I have therefore not dealt with them further in my decision.
15. One letter of support was received, praising the design of the proposal. I have set out my position on the effect of the proposal on the character and appearance of the area above.

Conclusion

16. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR