
Appeal Decision

Site Visit made on 17 August 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/C5690/W/20/3246647

50 Porthcawe Road, Sydenham, London SE26 5TA

- 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 Martin Elliott (A.R.M Ltd) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/113518, dated 12 September 2019, was refused by notice dated 21 November 2019.
 - The development proposed is described as '5 storey 18m high residential development containing 2no 3 bed units, 2no 2 bed units and 4no 1 bed units. Communal roof garden.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode on the application form is incorrect and as such I have taken the postcode from the appeal form.
3. The description of development refers to a five storey development. However, I consider that the development comprises six storeys, based on my assessment of the plans submitted to the Council.
4. The Council's reasons for refusal refer to the London Plan (2016). Since the appeal application was decided, the London Plan (2021) has been published and is now part of the development plan. The previous policies have therefore been replaced. I have sought representations from both parties in relation to the London Plan and I have taken these into account where these have been provided.
5. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Both parties were invited to provide representations in relation to the revised Framework and I have had regard to it in considering this appeal.
6. There is no evidence before me to indicate that the presumption in favour of sustainable development as set out at Framework Paragraph 11d is engaged. As such, I have proceeded on that basis.

Main Issues

7. The main issues are as follow:

- The effect of the proposed development upon the character and appearance of the appeal site and surrounding area.
- Whether the proposed development would provide a suitable standard of accommodation for future occupiers of the ground floor unit, with particular regard to outlook, privacy, daylight and sunlight.

Reasons

Character and Appearance

8. The appeal site comprises an existing two-storey Victorian building which is currently in use as a house in multiple occupation. The site is an irregular shape and is located directly adjacent to a 1.5 storey building, Glenlyn Academy, which appears to be of a similar period. This neighbouring building is in use as a performing arts studio. The site also borders a row of garages which appear to be associated with a nearby block of flats. The irregular shape of the plot is further constrained by the close proximity of these neighbouring buildings.
9. The surrounding area comprises residential tower blocks with varying architectural styles. These blocks comprise a different character to the appeal site and the aforementioned properties. They are typically located on more extensive plots with areas of hard surfacing providing vehicle parking, as well as areas laid to grass.
10. The proposed development, which comprises a six-storey block of flats, would have an irregular footprint which would fill the majority of the site. Given the relatively large scale of the proposed development it would dominate the adjacent buildings. Whilst the surrounding area is characterised by larger blocks of flats, these are set within more spacious contexts. In contrast, as a result of its dominant scale and substantial massing, the proposed development would appear as a cramped and incongruous form of development when perceived from the surrounding area.
11. The design of the elevational treatments lacks visual interest with several predominantly blank elevations, which would be prominent when viewed from the surrounding area. This would exacerbate the harmful visual impact of the proposed development. A condition requiring alterations to materials and elevation detail would not be acceptable, as this would necessitate fundamental alterations to design which would require further consultation.
12. Local Plan¹ Policy DM30 sets out the general principles for the design of new development in the Borough. It states in part that, where relevant, development proposals will need to be compatible with the urban typologies set out in Local Plan Table 2.1. This policy also requires that development addresses the issues identified within Table 2.1. The surrounding area predominantly comprises the Tower and Slab typology. Table 2.1 sets out that a replication of this typology will not be considered appropriate for future development and that the urban terrace typology should be introduced in these areas.
13. In this particular instance, an urban terrace typology would not be appropriate on the appeal site. The guidance contained within Table 2.1, insofar as it

¹ Lewisham Local Development Framework Development Management Local Plan 2014

relates to the Tower and Slab typology, would appear to apply to more larger and more comprehensive re-development proposals. Nonetheless, this does highlight the constraints imposed on developing a small site, such as the appeal site, within the context of the prevailing pattern of taller blocks within the immediately surrounding area. In this instance, the particular typology of the proposed development in relation to that of the surrounding development is not the determinative factor. The harm would arise from the scale, massing and appearance of the development within a constrained site. The resultant character of the development would neither reflect the adjacent single storey buildings nor the surrounding blocks of flats. The adjacent area of parkland would not mitigate the visual impact, particularly when perceived from Porthcawe Road.

14. For these reasons, the proposed development would be harmful to the character and appearance of the surrounding area. As such it would conflict with Local Plan Policies DM30 and DM32, which require in part that new development has a high-quality design and responds positively to the context of the surrounding area, respectively. The proposed development would also conflict with Core Strategy² Policy CS15, which requires in part that development is sensitive to local context and responds to local character.
15. In addition, the proposed development would conflict with Framework Paragraph 130, which requires that new development is sympathetic to local character and functions well with the overall quality of the area.

Standard of Accommodation

16. Several of the proposed ground floor flat windows (Bedroom 1 and 2) would be in very close proximity to the adjacent Glenlyn Academy building. These windows would directly face this building. As a result, there would be an unavoidable and significant harmful overbearing impact upon the future occupiers of the ground floor flat. The appellant suggests that the ground floor is elevated above the adjoining land levels. However, the site sections submitted to the Council indicate that the ground floor levels would not be sufficiently elevated above adjoining land to overcome this overbearing impact. The fact that other older properties often comprise basement accommodation does not justify the harm which would be caused in this instance.
17. The Council has suggested that insufficient information has been provided by the appellant to enable an adequate assessment of daylight and sunlight. However, based upon my observations during the site visit and an assessment of the submitted plans, I do not consider that there would be a harmful impact in this regard. Furthermore, the adjacent brick wall, which separates the site from the nearby park, is not particularly high and I do not consider that this would result in any loss of light or harmful overbearing impact. In addition, there would be no unacceptable harm to the privacy of future occupiers, given the offset orientation of the windows in the adjacent Glenlyn Academy Building. I also acknowledge that the proposed development would provide adequate internal floorspace.
18. Whilst I have found no harm in relation to some of the issues raised by the Council, this does not outweigh the harm which I have identified in relation to the overbearing impact which the Glenlyn Academy building would have on the

² Lewisham Local Development Framework Core Strategy Development Plan Document 2011

future occupiers of the ground floor flat. As such, the proposed development would conflict with Local Plan Policy DM32, which requires in part that new residential development provides satisfactory outlook for future residents.

19. Core Strategy Policy CS15 and Local Plan Policy DM30 are not relevant to this main issue.
20. The proposed development would also conflict with Framework Paragraph 130, which seeks in part to ensure a high standard of living conditions for future occupiers.

Other Matters

21. The proposed development would result in a net increase of 7 dwellings on a previously developed site. There would be social and economic benefits associated with the increase to the Borough's housing stock. This would be consistent with the emphasis at Framework Paragraph 60 on significantly boosting the supply of housing.
22. In considering the weight to be afforded to these benefits, I recognise the emphasis on boosting housing stock within the London Plan and specifically the contribution which small sites can make in this regard as set out at London Plan Policy H2. However, the relatively small scale of the development is such that these benefits would be limited. As such I only afford them moderate weight and they would not therefore outweigh the harm which the development would cause.
23. I accept that the site is accessible to services and facilities and sustainable modes of transport. However, this is not a benefit of the development, rather it is a characteristic of the site and as such it has a neutral impact.
24. Compliance with relevant development plan policies, in relation to other matters, including the principle of development, highway safety, trees and archaeology, does not outweigh the harm which the development would cause in relation to the main issues of this appeal. Neither does the fact that the site is not located within a conservation area and does not comprise a listed building.
25. The Council has suggested that the proposed development would compromise the development of other sites in the future. However, there is no evidence before me of any planned future development and as such, this matter does not add to the harm which I have already identified.

Conclusion

26. The proposed development would conflict with the development plan taken as a whole. There are no material considerations raised which would outweigh this conflict. I therefore consider that the appeal should be dismissed.

Luke Simpson

INSPECTOR