



Appeal Decision

Site visit made on 7 September 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/C5690/W/20/3264055

33 Campshill Road, London SE13 6QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Campshill Road Developments against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/118220, dated 2 September 2020, was refused by notice dated 4 November 2020.
 - The development proposed is prior approval for the construction of two additional stories to 33 Campshill Road, SE13 to provide 8 residential flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues are the effect of the proposal on the:
 - External appearance of the building;
 - Transport and highways impacts; and
 - The provision of adequate natural light in all habitable rooms of the new dwellinghouses and the amenity of the existing building and neighbouring premises in respect of loss of light.

Reasons

External Appearance of the Building

4. The appeal site is a 3-storey flat-roofed block of flats with a further basement level. There are a number of blocks of flats in the vicinity of the site, including blocks of 4-storeys with pitched roofs. The site is adjacent to a 3-storey residential block and opposite a 3-storey block which has a mix of commercial and residential uses; both of these adjacent blocks have pitched roofs.

However, the appeal site is located on the edge of this group of higher buildings, and the massing of development steps down from the 4-storey blocks to nearby 2-storey residential development. The appeal site is therefore in an area of transition between differing scales of development and makes a positive contribution to that change in scale and design.

5. The conditions attached to Class A state that the developer must apply for the prior approval as to the external appearance of the building. The appellant considers that within the prior approval process, the subject matter is solely restricted to the appearance of the building and not its height or the impact on the character of the area.
6. However, it is a matter of planning judgement as to whether consideration is given to the effect in terms of the building's intrinsic design and/or to the effect in terms of the building's relationship with nearby properties. In this case, the appeal site is located within a mixture of different building types and contributes to a transition between higher blocks and lower 2-storey housing. Within that context, it is not appropriate to consider the external appearance of the building in a vacuum or in isolation. The relationship between the appeal site and nearby properties is, in this case, a relevant aspect of the consideration of the effect of the development on the external appearance of the building.
7. Compared to the extant building, the addition of two further storeys would give the development an incongruous and jarring appearance compared to the nearby 3-storey blocks and particularly in relation to nearby 2-storey dwellings. The increase in height would also give this freestanding building an incongruously vertical emphasis.
8. Planning permission has been granted for an additional fourth storey on the building, and I give this appropriate weight as a fallback position. In effect, the appeal proposal would lead to a further storey compared to the approved scheme. However, as a result of the flat-roofed design, the approved scheme would not appear excessively high or out of proportion within the context of the projection of the pitched roofs above the nearby blocks. Whilst the appeal proposal would also have a flat roof, the increased height of the proposal would be readily apparent and would contrast uncomfortably with the massing of nearby blocks and the transition in the scale of buildings in the area.
9. It is inevitable that permitted development rights to extend buildings upward will have some impact on the appearance of the host building and the surrounding area. However, this does not negate the requirement to address the conditions placed on development permitted under Class A.
10. The detailing and materials of the proposal would match the existing building, including the design and placement of windows. However, this would not mitigate for the harmful effect of the proposal on the external appearance of the building within the streetscape.
11. For the above reasons, I find that significant harm would be caused to the external appearance of the building. The proposal would therefore conflict with the Framework with regards to achieving well-designed places, and more specifically paragraphs 126 and 130 as the proposal would not create a high quality building or place, and would not be visually attractive.

12. In reaching this conclusion, I have also had regard to policy 15 of the Council's Core Strategy 2011 (the Core Strategy) and policy 30 of the Development Management Local Plan 2014 (the Local Plan). These policies seek high quality design and the creation of a positive relationship to the existing townscape.

Transport and Highways Impacts

13. The proposal would lead to the provision of 8 new flats, and the Council considers that vehicles associated with residents and visitors would increase parking stress in this area.
14. A parking survey has not been provided with the application, although the appellants accept that this would be likely to reveal that the roads near the appeal site are severely stressed.
15. However, the development is proposed to be car free. The appellants have submitted a unilateral undertaking (UU) to ensure that the occupants of the proposed flats would not be eligible to apply for parking permits. The UU meets the tests in paragraph 57 of the Framework and I have taken account of it accordingly.
16. The existing flats at the site are not subject to parking permit restrictions, and the Council considers that it would not be administratively possible to place such a restriction on the new flats. However, the appellant sets out that the addresses would be registered with the Council's street naming and numbering service, and that this could then be cross-referenced with the Council's parking database. To my mind, this demonstrates that the provisions of the undertaking can be monitored and enforced, and the Council has provided no substantive evidence to demonstrate otherwise.
17. The appellant emphasises that this was also controlled by a condition relating to the 2 flats previously permitted in the extra storey, which could equally be applied in respect of the appeal proposal.
18. Subject to the provisions of the UU and the restriction of parking permits, I conclude that the proposal would not have an unacceptable transport and highways impact. The proposal would therefore not conflict with paragraph 110 of the Framework in respect of promoting sustainable transport.
19. The proposal would also not conflict with policy 14 of the Core Strategy or policy 29 of the Local Plan insofar as they are relevant to the consideration of the transport and highways impacts of car parking.

Light

20. The prior approval matters include consideration of the provision of adequate natural light in all habitable rooms of the new dwellinghouses. A Daylight/Sunlight Analysis¹ was submitted with the planning application, although the Council considered that this did not include sufficient detail in respect of the vertical sky component or the average daylight factor.
21. A further consideration is the amenity of the existing building and neighbouring premises in respect of loss of light. As no details on this potential impact had been provided, the Council considered that insufficient evidence had been submitted to allow it to determine this issue.

¹ Dixon Payne Ref: ROL.18, May 8 2018.

22. The appellant has submitted a further Report² on these matters with the appeal. This Report includes further detailed assessments, and concludes that the average daylight factor of the flats within the block would exceed relevant guidelines. Furthermore, the Report concludes that the proposal would not have any discernible effect on any adjoining property's daylight/sunlight, including properties specifically referred to by the Council. No substantive evidence to contradict the findings of the Report has been provided to me.
23. I conclude that, on the basis of the evidence before me, the proposal would provide adequate natural light in all habitable rooms of the new dwellinghouses and would not harm the amenity of the existing building and neighbouring premises in respect of loss of light. The proposal would therefore not conflict with paragraph 130 of the Framework in respect of providing a high standard of amenity for existing and future users of land and buildings.
24. I have also had regard to policy 15 of the Core Strategy and policy 32 of the Local Plan which seek development to be of a high quality design and to provide a satisfactory level of natural lighting both for future residents and neighbours.

Other Matter

25. The appellant refers to the principle that new homes delivered through permitted development rights will have to meet national space standards, which came into effect from April 2021. Given that I am dismissing this appeal for other reasons, I need not give further consideration to this matter.

Conclusion

26. Notwithstanding my conclusions in respect of transport and highways impacts as well as light, I have concluded that the proposal would lead to significant harm to the external appearance of the building. The proposal would therefore conflict with the Framework as a whole with regards to achieving well-designed places and in respect of the social and environmental objectives of sustainable development.
27. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

² Daylight and Sunlight & Overshadowing, Richard W Staig, Ref: rs/ROL.200108/2, November 26 2020