



Appeal Decision

Site Visit made on 12 October 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/C5690/W/21/3273789

24 Canonbie Road, London SE23 3AP

- 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 J Taylor against the decision of London Borough of Lewisham.
 - The application Ref DC/20/119762, dated 24 December 2020, was refused by notice dated 30 March 2021.
 - The development proposed is erection of a two-storey building with basement and rear dormer window to provide a 4 bedroom attached house, together with associated front lightwell, landscaping, bin and bicycle store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; and the living conditions of the occupiers of No 26 Canonbie Road (No 26), with particular reference to outlook.

Reasons

Character and Appearance

3. The appeal site comprises part of the rear garden and land to the side of No 24 Canonbie Road (No 24). This residential street has a mixed character in terms of the design and height of the dwellings. Yet the alignment of the houses relative to the road is largely consistent, while the street's hillside aspect creates a rhythmical pattern of development as houses are stepped away and down from each other as they follow the trajectory of the sloping ground. These aspects combine to create an attractive residential setting.
4. I note that the appeal proposal is a revised scheme following a previous appeal decision (Ref APP/C5690/W/20/3248866) on an earlier application. In his decision the Inspector observed the close proximity of the flats at Burwood Court to the south west of No 26 and the dominating effect its height and massing would have on its lower neighbour, in conjunction with the earlier proposal.
5. Following that previous appeal decision, the proposed dwelling's width has reduced by around 0.5m, thus pulling it in, a modest degree, from the side boundary with No 26. In addition, a 1.1m set back from the building line of No 24 has been introduced, yet it would still project beyond the front elevation of No 26 by around 2m. The proposed roof has remained unaltered, and it would still rise significantly above that of No 26.

6. The adjustments to the proposed dwelling's scale and positioning are relatively minor and it would still be set very close to No 26's flank wall, whilst the space between the two structures would be narrower than the typical side walkways that separate other properties in the street. Additionally, the proposal would maintain its previous height, while the forward projection beyond No 26 would not be resolved to any meaningful extent. The combination of the proposal's height and forward projection relative to No 26 accentuates the perception of the narrow gap. As a consequence, and given the presence of the bulkier and taller Burwood House to the south west, it would give the impression that No 26 is being subjugated and compressed by structures on either side. This relationship would harmfully jar and be at odds with the attractive residential setting of Canonbie Road.
7. Whilst it would appear that there are other infill properties in the street (Nos 9-15 Canonbie Road), I observed that those dwellings follow a consistent building line, whilst the differences in scale and layout do not disrupt the prevailing built typology of the street to the same extent as the proposal. Therefore, in my view, those examples are not directly comparable to the appeal scheme under consideration.
8. The appellant considers that the proposal would sit more comfortably within the street than a more contemporary single storey dwelling approved by the Council in 2016¹. However, I do not have the full details of that case to make a comparison with the appeal proposal, and in any case, I have considered the appeal on its own merits.
9. Therefore, the proposed development would have an unacceptable effect on the character and appearance of the area and fail to accord with Policies D3 and D4 of The London Plan 2021, Spatial Policy 5 and Policy 15 of the Core Strategy (June 2011)² and Policies DM 30 and DM 33 of the Development Management Local Plan (November 2014)³. Together, and amongst other matters, these require proposals to protect and enhance local character and context by delivering buildings that positively respond to local distinctiveness through their layout, spacing, scale, appearance and shape, with due regard to the existing street hierarchy.

Living conditions

10. Although the proposal has been stepped away from the boundary with No 26, this distance would be marginal, and it would still have a very close relationship to this neighbouring dwelling. The level of projection beyond the nearest ground and first floor windows of No 26 is around 2m. This might seem a modest distance, although it would along with the proposal's immediacy, and two storey height have an unacceptable enclosing effect on the rooms those windows serve to the extent that occupiers would feel dominated by the building. This would have harmful consequential effects on the quality of the outlook from those rooms.
11. The appellant indicates that the proposal cannot be set back further into the plot or have its width reduced without limiting the functionality of the

¹ Approval Ref No - 15/092381

² Lewisham local development framework – Core Strategy Development Plan Document, adopted June 2011 (Core Strategy)

³ Lewisham local development framework – Development Management Local Plan, adopted 26 November 2014 (Development Management Local Plan)

floorspace. However, before coming to that view I am not clear what alternative options were considered by the appellant or if any design solutions that would remove the harm, yet maintain floorspace needs, were explored. Accordingly, I have given this argument limited weight.

12. Taking the above into account, the proposal would have a harmful effect on the living conditions of occupiers of No 26 Canonbie Road, with particular reference to outlook, and is therefore contrary to Policy DM33 of the Development Management Local Plan where it requires proposals to result in no loss of amenity to adjacent houses.

Other Matters

13. The contribution small sites make to the local housing stock is recognised, and in this regard the proposal would result in an additional family home in the area that would contribute to the mix of housing in the Borough. It would also increase the density of housing which is supported in areas with good public transport connections. Nevertheless, these matters would be at the expense of neighbouring living conditions, while harming the area's character and appearance, and accordingly they do not overcome my concerns.
14. I note that the dwelling's construction would include low carbon and energy saving features and materials. Although this is a positive aspect of the scheme it would not outweigh the harm in respect of the main issues above. Moreover, despite the lack of objection raised by the Council regarding parking and highway safety, this would not overcome the harm caused by the proposal.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR