



Appeal Decision

Site Visit made on 27 October 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/11/2021

Appeal Ref: APP/C5690/W/21/3272455

136 New Cross Road, London SE14 5BA

- 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 Alex Zolghadriha against the decision of London Borough of Lewisham.
 - The application Ref DC/20/117568, dated 17 July 2020, was refused by notice dated 5 October 2020.
 - The development proposed is addition of two new floors and creation of one new flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council suggested that I should access the rear of the site as part of my site visit. On arrival at the previously confirmed day and time, I was unable to gain access to the site. However, I was still able to obtain a full appreciation of the site and local context from surrounding streets. On this basis, I am content that I am in a position to assess the main issues and proceed with my decision.
3. In the period since the appeal was submitted the Government has published the revised National Planning Policy Framework (the Framework) July 2021 which is being brought into immediate effect for the purposes of decision-making. The London Plan (March 2021) (LP 2021) has also been published during this period. Policy D6 of the LP 2021 is unchanged from the Intend to Publish version, and replaces the policies in the 2016 London Plan, both of which are referred to in the Council's decision. The parties have been provided with an opportunity to provide comments as to whether either of these events has relevance to the appeal and I have taken any comments received into account as part of my assessment.

Main Issues

4. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the Hatcham Conservation Area; and
 - (ii) whether the proposal would provide suitable living conditions for future occupants with particular regard to the provision of private outdoor space.

Reasons

Character and appearance

5. The appeal site is located within the Hatcham Conservation Area (CA). The significance of the CA lies in the layout and traditional built form of its streets and buildings on the mainly commercial New Cross Road and residential area of terraced housing behind.
6. No 136 New Cross Road forms part of a two-storey terraced section of the commercial parade. The Hatcham Conservation Area Character Appraisal (CACA) confirms that 146 and 148 within this part of the parade have had a storey added. Even so this section of the parade has common characteristics in terms of the horizontal profile of the corniced parapet roofline and the painted render upper floor front facades. The neighbouring three storey stock brick houses at Nos 132 and 134 New Cross Road have their own distinct uniformity including plain slate pitched roofs and prominent arched moulded brick lintels over their upper floor windows and French doors.
7. The variety in built form is recognised in the CACA. However, there is general consistency within each terraced group within the parade in terms of roof lines and elevational treatment and these factors make a positive contribution to the significance of the CA.
8. The height and form of the extension and the facing materials incorporated would be at odds with the established horizontal parapet roof lines and rendered upper floors to the front elevation of this section of the parade. Whilst the scale of the development and exposed brickwork would be more comparable to the adjoining building at Nos 132 and 134 New Cross Road, the finer detailing would not. In particular, the mansard roof form with dormer windows and the upper floor window proportions with soldier course lintels would all contrast with this neighbouring building. Furthermore, the zinc roofing material would be particularly at odds with the traditional facing materials more often seen on buildings within the CA. Consequently, the proposal would be visually distinct from its associated terrace and the immediate neighbouring terrace. This would detract from the rhythm and quality of built form to this part of the street.
9. The appellant's Design, Access and Heritage Statement (Rev A 15/07/2020) draws attention to 'recent and modern additions' in the wider CA including modern residential properties and zinc clad mansard roof extensions. However, these exceptions do not persuade me that the proposal would positively reflect its immediate context or the prevailing characteristics of the CA.
10. For the above reasons, and in the context of paragraph 196 of the Framework, I consider that the development would result in less than substantial harm to the character and appearance of the CA. In accordance with the Framework this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
11. The proposal would replace the existing UPVC casement windows with timber framed windows, realign first floor windows to correspond with others within the same block, include repairs to the fabric of the building and would remove

a satellite dish and estate agent signage. I acknowledge that these works have the potential to positively address some of the existing detracting aspects of the building.

12. However, I must attach great importance and weight to the desirability of preserving the character or appearance of the CA. Therefore, even taking the benefits identified and the provision of an additional single one-bedroomed flat into account, the benefits of the scheme would not be of sufficient magnitude to outweigh the less than substantial harm to the CA.
13. I conclude, the proposal would harm the character and appearance of the CA. In that regard, the development would conflict with the high quality design and conservation requirements of Policies 15 (High quality design for Lewisham) and 16 (Conservation areas, heritage assets and the historic environment) of the Lewisham Core Strategy (2011) (CS) and Policies 30 (Urban design and local character), 31 (Alterations and extensions to buildings including residential extensions) and 36 (New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens) of the Lewisham Development Management Local Plan (2014) (LLP) and the Framework.
14. The Council's decision notice also refers to conflict with the Lewisham Alterations and Extensions SPD (April 2019). I have not been provided with a copy of this document. Even so, this does not diminish the conflict with the development plan and national policy identified above.

Living conditions for future occupants of the development

15. The evidence before me indicates that the gross internal floor area (GIA) for the new two storey flat would be 56 square metres (sq m) and that the internal floor heights for the new floors would be 2.4 metres (m). These measurements would be marginally below the minimum GIA and floor heights for a one bedroomed two storey dwelling in the Government's Technical housing standards – nationally described space standard (2015), Policy D6 of the LP 2021 and Policy 32 (Housing design, layout and space standards) of the LLP. Taken alone, these marginal deficiencies are unlikely to be detrimental to living conditions and I also acknowledge that the Council did not identify harm in this regard.
16. However, no private outdoor space would be provided. This would conflict with Policy D6 of the LP 2021 which states that a minimum of 5 sq m of private outdoor space should be provided for 1-2 person dwellings and that all dwellings should have level access to either a garden, terrace, roof garden, courtyard garden or balcony. The Council suggests that in exceptional circumstances where site constraints make it impossible to provide a private outdoor space, additional internal space equivalent to the outdoor space requirement could be provided. Even if this is the case, I agree with the Council that given the internal space deficiencies identified additional internal space cannot be accommodated in this instance.
17. I conclude that the development would not provide suitable living conditions for future occupants with particular regard to provision of private outdoor space. In that regard it would conflict with the requirements to provide for garden and amenity space in Policy 32 (Housing design, layout and space standards) of the

LLP, Policy 15 (High quality design for Lewisham) of the CS Policy D6 (High quality and standards) of the LP 2021

Conclusion

18. The proposal would harm the character and appearance of the CA and would not provide any private outdoor space for future occupiers. In those respects, the development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR