



Appeal Decision

Site visit made on 12 January 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/C5690/W/21/3276741

Land previously known as units 2,3,4 Queensthorpe Mews, Queensthorpe Road, London, SE26 4PN

- 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 Dominic Cummings Ltd against the decision of London Borough of Lewisham.
 - The application Ref DC/20/118208, dated 1 September 2020, was refused by notice dated 10 December 2020.
 - The development proposed is described as to build three, three bedroomed terraced houses on the land as a mews development. Each house will be independent with own private garden to rear. The ground will be excavated down to allow the new development new step free access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission has been granted to a similar development at the site involving the construction of 3 two storey terraced houses on the site with a revised siting to that proposed (ref. DC/21/120935) ("the extant permission").
3. Planning permission has been refused at the adjacent site at 1 Queensthorpe Mews for demolition of rear part of the building, and the construction of a three storey rear extension and dormers to the front roof slope to provide 2 x three bedroom semi-detached dwellings, together with the installation of windows and doors to the front elevation and associated works. This is subject to a separate appeal decision (ref. APP/C5690/W/21/3276760). The two proposals have been considered concurrently.

Main Issues

4. The main issues are:
 - (a) the effect of the proposal on the character and appearance of a conservation area in relation to its height, scale and design,
 - (b) the impact on the living conditions of adjoining occupiers in relation to outlook, privacy and a sense of enclosure,
 - (c) the adequacy of living conditions for future occupiers in relation to privacy in habitable rooms and external amenity space, and
 - (d) the impact on local on-street parking stress.
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Reasons

Character and appearance

5. The appeal relates to an area of cleared land previously used as a car park in association with the detached single storey building at 1 Queensthorpe Mews. There is a vehicular access on its northern side to Queensthorpe Road between this frontage building and a semi-detached house at 1 Queensthorpe Road. To the west of the site are single and 2-storey buildings fronting Queensthorpe Mews, with the upper floors contained as rooms in the roof. The rear yards to 3 storey commercial buildings fronting Sydenham Road back on to the southern side of Queensthorpe Mews.
6. The proposal is to excavate land and construct a terrace of 3-storey houses with a flat roof that would fill the width of the site. Pedestrian access to entrances on their northern side would be gained from the access alongside 1 Queensthorpe Mews. Each house would have a back garden on its southern side bound by the retained high wall to Queensthorpe Mews.
7. The site is located within the Sydenham Thorpes Conservation Area (STCA). Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The significance of the STCA lies primarily in the quality and detailing of houses in its residential roads, known as the Thorpes Estate. Sydenham Road and Queensthorpe Mews have different characters but nonetheless contribute to the overall quality of the STCA. The single and 2-storey buildings at 5-8 Queensthorpe Mews are of irregular form but are typical of small service buildings constructed along narrow rear accessways to the rear of more substantial commercial buildings.
8. There is no evidence before me on the scale and design of the former buildings at 2, 3 and 4 Queensthorpe Mews prior to their demolition. Notwithstanding this and site excavations to lower the ground floor level, the proposed terrace would be noticeably higher than the adjacent Mews building to the west (No.5) and higher than the pitched roof to 1 Queensthorpe Mews to the east. Whilst its height would be comparable to the ridge to the pitched roof to No.6 Queensthorpe Mews, its mass would be considerably greater than any building fronting this side of the Mews. Its high flat roof profile would be out of keeping with and would dominate the low rise intimate character of other mews buildings. The terrace would be seen from Queensthorpe Road as a high and incongruous development, unduly close to 1 Queensthorpe Mews and detracting from its detached and open setting. The appellant points out the terrace would be lower than the Sydenham Road buildings, but a building on a narrow mews should better relate to closer nearby buildings.
9. The proposal would have a negative impact on the character and appearance of this part of the STCA. it would detract from the significance of the STCA in relation to the impact on the frontage building. It would not therefore satisfy the statutory duty to preserve its character or appearance. There would be conflict with Policies 15 and 16 of the Lewisham Core Strategy (2011) (LCS) and with Policies DM30, DM31, DM33 and DM36 of the Lewisham Development Management Local Plan (2014) (DMLP) which collectively require development to demonstrate a high standard of design, a positive relationship to the existing townscape and to ensure any development conserves or enhances the borough's heritage assets, including conservation areas.

Living conditions - neighbours

10. The main front wall to the terrace would be only about 3m from the boundary with 1 Queensthorpe Road. Clear glazed first and second floor windows would afford direct and close overlooking of the rear patio. From the upper windows of the westernmost house, it would be possible to look diagonally across to ground floor rear facing kitchen and conservatory windows and to first and second floor bedroom windows. The proximity of these windows would result in a substantial loss of privacy. The retained boundary wall would not be sufficient to mitigate this. The width and height of the terrace so close to the shared boundary would also result in a loss of outlook, in overshadowing of the rear part of the garden and an overbearing presence at the back of the house.
11. The distance between proposed rear south facing windows at the site and rear windows at 51-57 Sydenham Road would be about 17m by the Council's estimation and 19m according to the appellant. Not all of the Sydenham Road windows appear to relate to residential use. Given the separation distances and oblique angle of view to some windows, no material loss of privacy would arise.
12. But for occupiers at 1 Queensthorpe Road, the adverse impact on living conditions through loss of privacy, diminished outlook and sense of enclosure from the building's mass and proximity would be contrary to Policies DM32 and DM33 of the DMLP which expect all new residential development to provide satisfactory levels of privacy, outlook and natural lighting for neighbours.

Living conditions – future occupiers

13. The living room and larger bedrooms would all have windows on the southern side looking on to the proposed back gardens. Having regard to the greater separation to the facing windows at the rear of the 51-57 Sydenham Road and that many of the windows appear to relate to commercial storage and bathrooms, there would be adequate privacy levels at the back of the terrace. Retention of the high boundary wall to Queensthorpe Mews would also help to ensure a reasonable level of privacy within the back gardens.
14. The north facing first floor window to bedroom 3 on the westernmost house would be overlooked from first and second floor rear facing bedroom windows at 1 Queensthorpe Road. Whilst the angle of overlooking would not be direct, the separation distance of only some 8m would result in an unduly poor level of privacy for a new build dwelling. There are no upper floor clear glazed windows in the flank wall at 1 Queensthorpe Road that could affect privacy elsewhere. Nonetheless, the poor level of privacy to bedroom 3 on the westernmost house would be contrary to Policy 15 of the LCS and Policy DM32 of the DMLP which require development to provide a satisfactory level of privacy for future residents.

Parking

15. Whereas the site has previously been used for parking, none of the proposed houses would have a parking space. Any cars owned by future occupiers would be likely to be parked on surrounding streets. These were heavily parked with few on-street parking spaces available at the time of my visit, but this may in part relate to shoppers in Sydenham Road. The site is in an accessible location for public transport options (having a PTAL of 5) and is not located within a controlled parking zone.

16. The appeal proposal was not accompanied by a parking survey resulting in the Council's precautionary refusal reason on parking stress. The subsequent application (the extant permission) included a parking survey indicating that the provision of 3 dwellings would not have an undue impact on parking stress. The Council has accepted these findings. This is a material consideration. From the information available to me, the proposal would not adversely impact on on-street parking stress. There would not therefore be conflict with Policy 14 of the LCS or with Policy DM29 of the DMLP which accept car limited residential development in high PTAL locations where there would be no detrimental impact on the provision of on-street parking in the vicinity.

Planning Balance

17. The proposal would have the benefit of providing 3 additional dwellings of satisfactory size and internal layout in a sustainable location close to shops and public transport options. There is a need for additional dwellings of all sizes in London as a whole and in Lewisham as is recognised in local, London wide and national planning policies. The proposal would contribute to meeting that need.
18. However, I have found harm with the proposal, including in relation to the effect on the STCA, a designated heritage asset. Paragraph 202 of the National Planning Policy Framework requires that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
19. The appeal site is unused open land, and its present condition detracts from visual amenity. There used to be buildings on the land and its residential development would secure an optimum viable use. But the harm arising to the character and appearance of the STCA through the scale and unsympathetic design of the terrace and poor relationship with adjacent development would outweigh these benefits. Overall benefits would also be outweighed by harm to the living conditions of the occupiers of 1 Queensthorpe Road in relation to loss of privacy, poor outlook and an overbearing effect. The benefits arising from the 3 family sized dwellings proposed would be outweighed by the harm I have identified. The proposal would not be a satisfactory site specific response to the constraints and opportunities presented by the site's setting.
20. The majority of representations submitted have objected to the proposal on grounds I have addressed. I have also noted the letter in support of the proposal, commenting on the need for additional housing and the poor visual condition of the land. But these points do not outweigh the harm identified from the particular proposal before me.

Conclusion

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

Rory MacLeod

INSPECTOR