



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/21/3276760

1 Queensthorpe Mews, Queensthorpe Road, Sydenham, 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/20/118697, dated 7 October 2020, was refused by notice dated 10 December 2020.
 - The development proposed is 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 excavation and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description is taken from the Council's decision notice. This captures the scope of development more concisely than the application form's description.
3. Planning permission has been granted to a similar development at the site involving a two storey rear extension to provide 2 x two bedroom semi-detached dwellings (ref. DC/21/121612) ("the extant permission").
4. Planning permission has been refused for the construction of 3 x 3-storey terraced houses and associated works on land to the rear of the site at 2-4 Queensthorpe Mews. This is the subject of a separate appeal decision (ref. APP/C5690/W/21/3276741). The two proposals have been considered concurrently.

Main Issues

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

Reasons

Character and appearance

6. The appeal relates to a double fronted single storey building with a high hipped pitched roof. The building fronts Queensthorpe Road and has a flank wall to Queensthorpe Mews on its southern side. It has previously been enlarged by a rear extension to enable use as a place of worship with the land at the rear cleared to form an associated car park. The building is now vacant and in a poor state of repair. The surrounding area to the north is residential in nature whilst to the south is a three storey terrace of commercial buildings fronting Sydenham Road and backing on 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 STCA covers residential roads to the north and east of the site and also the Sydenham Road frontage buildings. Its significance lies in the quality and detailing of much of the housing which was built concurrently and is known as the Thorpes Estate. There is a regularity in the compact layout and massing of the houses and details inspired by the Queen Anne, neo-Georgian and vernacular revivals using red brick contrasted by white roughcast render, multi-paned sash windows and grey slate roofs.
8. The appeal building contrasts with much of the estate in that it is detached and single storey. However, it appears to be contemporary with other estate buildings and reflects some of their design details. The white mouldings in the twin front gables and the evenly spaced upright ridge roof tiles match those seen on the adjacent house at 1 Queensthorpe Road. Evidence in the appeal submissions indicate that the building may have been the Estate Office. It is prominently located on a corner site by the entrance to the estate from Sydenham Road. The building has historic and architectural interest and makes a positive contribution to the STCA.
9. The proposal would involve front and rear excavations to enable provision of three floor levels. At the front this would result in stretched appearance with ill-proportioned openings. There would be small first floor windows and larger second floor dormer windows replacing the existing smaller central dormer. The three storey rear extension would not be conspicuous from Queensthorpe Road at the front but would be from Queensthorpe Mews to the side where its massing would detract from the profile and appearance of the building. The extension would also compare unfavourably with the more modest scale of buildings further along this side of Queensthorpe Mews.
10. The proposal would have a negative impact on the STCA resulting in less than substantial harm. It would detract from considerations that most contribute towards its significance and 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, including extensions, and to ensure any development conserves or enhances the borough's heritage assets, such as conservation areas.

Living conditions - neighbours

11. The 3-storey rear extension would result in additional massing to the south of the adjacent house at 1 Queensthorpe Road. There would be some shading towards side windows here including substantial coloured glass windows to a feature staircase and landing. Lower ground floor side windows to a kitchen are clear glazed but the high boundary wall to the appeal site should preclude undue overlooking. However, there would be clear views of the rear part of the rear garden at no.1 from the second floor side bedroom window in the proposed extension. This would give rise to a loss of privacy given the proximity of the window notwithstanding that the angle of overlooking would not be direct.
12. South facing first and second floor side windows in the proposed extension would face towards rear windows in the terrace to Sydenham Road. Several of these windows would appear to relate to storage or to bathrooms. Given the greater separation to upper floor windows in the terrace and oblique angle of view to the proposed extension, there would be no material loss of privacy.
13. Nonetheless, with respect to occupiers at 1 Queensthorpe Road, the adverse impact on living conditions through loss of privacy would be contrary to Policies DM32 and DM33 of the DMLP which expect all new residential development to provide a satisfactory level of privacy and natural lighting for neighbours.

Living conditions – future occupiers

14. The 3-storey rear extension would be centrally positioned and extend to the full depth of the site leaving an enclosed courtyard to either side as rear external amenity space provision. For both proposed units there would be a ground floor side window to a kitchen facing the courtyard with side windows to bedrooms on the two floors above. There are no upper floor clear glazed windows in the flank wall at 1 Queensthorpe Road facing the garden and side windows to the northern unit, so these areas would not be overlooked. The southern unit would be overlooked from rear windows in the terrace at Sydenham Road. However, as many of these windows appear to be used for commercial storage or bathrooms, and in view of the greater distance and oblique angle of overlooking from the uppermost terrace windows, there would not be any significant loss of privacy for occupiers of the proposed southern unit.
15. The Council has calculated the rear external amenity areas to be 7m² for the northern unit and 8.7m² for the southern unit. These would be particularly small for 3-bedroom family sized accommodation providing limited space for children to play or for other needs. Both units would have a larger front garden, but these are adjacent to a busy footway and would not compensate for the paucity of private amenity space provision. The rear courtyard to the northern unit would be only about 2m wide and being to the northern side of the 3-storey extension would be heavily shaded. It would result in a poor standard of external amenity space provision for a family dwelling.
16. In relation to both units, the proposal would result in undersized external amenity space provision for 3-bedroom family accommodation. The proposal would thereby be contrary to Policy 15 of the LCS and Policies DM32 and DM33 of the DMLP which require development to be designed to provide amongst other matters adequate useable external amenity space for future occupiers including space suitable for children's play.

Parking

17. There is a crossover and vehicular access to the northern side of the site that connects the adjacent site to the rear with Queensthorpe Road. But there is no vehicle access to the appeal site itself and no off-street parking is proposed. 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. At the time of my site visit surrounding streets were heavily parked with few on-street parking spaces available, but some of this may have been for shoppers to Sydenham Road.
18. The appeal proposal was not accompanied by a parking survey resulting in the Council's precautionary refusal reason on parking stress. The subsequent planning application (the extant permission) included such a parking survey indicating that the provision of 2 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 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

19. The proposal would have the benefit of providing 2 additional dwellings with satisfactory internal layouts 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 make a modest contribution to meeting that need.
20. However, I have found harm with the proposal, including less than substantial harm 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*".
21. The appeal building is in a poor state of repair. Its restoration through conversion to residential use would be beneficial for the significance of the STCA. But the harm arising to the character and appearance of the STCA through the oversized rear extension and unsympathetic front alterations in the current proposal would counter-balance the building's beneficial restoration. 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 and through inadequate private amenity space provision for family sized dwellings. The benefits arising from 2 additional dwellings and restoration of the building would be outweighed by the harm I have identified.

Conclusion

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

Rory MacLeod

INSPECTOR