



Appeal Decision

Site visit made on 17 May 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/C5690/W/21/3287079

2 Romborough Gardens, Hither Green, London SE13 6NT

- 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 Mrs Serra Jadama Barry against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/123041, dated 10 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is described as the construction of a new two storey house to the side of and abutting the existing house.
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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;
 - The need for car parking provision; and
 - The living conditions of the neighbouring occupants with particular reference to outlook.

Reasons

Character and Appearance

3. 2 Romborough Gardens forms one half of a pair of semi-detached dwellings. The appeal property is sited in a cul-de-sac of primarily residential dwellings in blocks of semi-detached or terraced arrangement. The existing street scene has a well-ordered layout with generous spaces between the residential blocks. These visual gaps give the street scene a positive sense of spaciousness and provides relief from the built form.
4. Within the existing street scene each block of dwellings has a formal building line. However, No 2 sits forward of the adjacent block with 3A Romborough Gardens, creating a staggered arrangement between these two blocks.
5. The proposed development is two storey and would extend off the side of No 2. It would extend up to the existing shared boundary with No 3A and would be set behind the front wall of No 2. Despite the proposed matching materials, subservient lower ridge height and the front wall set back behind No 2, the

significant closure of the gap to the side boundary between Nos 2 and 3A would be harmful to the spacious character and appearance of the area.

6. In coming to my decision on this main issue I have had regard to the Lewisham Alterations and Extensions Supplementary Planning Document 2019 (the SPD). This guidance indicates that a setback can reduce harm, if it is appropriate to build to the boundary. In this case I do not consider it is appropriate to build to the boundary as the erosion of openness between No 2 and 3A would significantly disrupt the positive sense of spaciousness when viewed from public vantage points in Romborough Gardens. This harm would be further compounded as the proposed dwelling would be set forward of No 3A and this staggered arrangement would cause the development to be particularly visible within the street scene emphasising the erosion of this openness and valuable sense of spaciousness.
7. My attention is drawn to historical planning permission from 2004 reference DC/04/056436/FT for the construction of a two-storey extension to the side of 3 Romborough Gardens, to provide a two bedroomed house, now erected as No 3A. The policy framework applied to this approval has since been superseded and the character and appearance of this area may have been different at that time. However, from my observations on site, while No 3A sits close to the side boundary, it retains some separation from the shared boundary. This separation in combination with the existing spacing between the buildings retains the sense of spaciousness. The proposed dwelling would extend much closer to the boundary and is set forward of the adjoining block. This would create harm for the reasons set out above.
8. The appellant also highlights the Council's recent approvals of extensions at 7 and 9 Romborough Way, references DC/19/114769 and DC/19/112806. These are in a different street scene and the character and appearance is not identical. Additionally, the blocks are not as staggered and the upper first floors of both these extensions at Nos 7 and 9 are set in from the side boundary. These characteristics are different from the current appeal before me. Consequently, these other approvals have limited bearing on my findings.
9. Accordingly, I find conflict with the relevant provisions of Policy 15 of the Lewisham Core Strategy Development Plan Document 2011 (the Core Strategy), DM Policy 30 and DM Policy 31 of the Lewisham Development Management Local Plan 2014 (the Local Plan), the SPD and paragraphs 130 and 134 of the National Planning Policy Framework (the Framework) which, amongst other things, seek to ensure that development is sympathetic to the character and appearance of the area.

The Need for Car Parking Provision

10. During the site visit I noted that 2 vehicles can currently be parked at No 2. The development as proposed would make provision for one parking space to the front of the proposed dwelling. However, the existing parking for two vehicles at No 2 would be lost.
11. Policy T6 of the London Plan 2021 sets out that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. The Council confirm that the application site has a PTAL rating of 4-5 which is considered good.

12. Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are well-connected by public transport. The Council confirm that the PTAL rating for the site is sufficiently high for car-free development and the provision of parking at the appeal site is therefore in conflict with Policy T6.
13. The appellant does not dispute this and contend that car parking is not essential as suitable public transport exists in the area. On this basis it has not been demonstrated why a parking space for the proposed dwelling would be required and this weighs against the appeal proposal.
14. Policy 14 of the Core Strategy states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street. Therefore, it is appropriate to demonstrate that there would be no detrimental impact to on-street parking by the loss of two parking spaces at No 2.
15. The Council state that the site is located within a Controlled Parking Zone (CPZ) with the appellant expected to either agree to a planning condition or enter an agreement to prevent future occupiers from obtaining a car parking permit. However, the Council consider that a condition would not be appropriate as it does not meet the six tests.
16. I have presumed these are the six tests set out at paragraph 56 of the Framework. However, the Council has not confirmed this. In addition, the Council has also not set out why such a condition which it considered to be appropriate at the time of making its decision, is no longer appropriate and how it now fails the six tests. There is also no agreement before me to prevent future occupiers obtaining a car parking permit.
17. It has therefore not been demonstrated that a need for car parking provision is required. The proposed development would therefore conflict with the relevant provisions of Policy 14 of the Core Policy, DM Policy 29 of the Local Plan and Policy T6 of the London Plan which, amongst other things, seek to ensure proposals car parking is restrained to promote more sustainable transport choices.

Living Conditions

18. The appeal proposal would extend significantly beyond the rear wall of No 2 at two storey height. It would be also sited close to the proposed shared boundary with No 2. Although it wouldn't extend the whole depth of No 2's garden, it would span significantly into the rear garden. This significant projection beyond the rear wall of No 2, would be harmful to the outlook achieved from both the closest rear facing window and the rear garden area of No 2.
19. The proposed development would also extend significantly beyond the front wall of No 3A. It would also be sited close to the shared boundary with this neighbour. While the development is shown on the proposed plans as not breaking a 45-degree line from the ground floor window at number 3A, the proposed development would be two storey and this window is the only source of outlook from the living room it serves. For these reasons, this would be harmful to the outlook achieved from this ground floor front window.

20. A first-floor front bedroom window at No 3A is located closer to the shared boundary with the proposed development. The proposed development's significant projection beyond the front wall of No 3A would also be harmful to the outlook achieved from this bedroom for the same reasons.
21. The windows to the side of No 3A are obscure glazed and this glazing already causes limited outlook from these side windows. However, the absence of harm here does not outweigh the harm I have identified above.
22. The proposed development would therefore have a harmful effect upon the living conditions of the occupiers of both Nos 2 and 3A Romborough Gardens with particular reference to outlook. The proposal is contrary to the relevant provisions of Policy 15 of the Core Strategy, Policies DM30 and DM31 of the Local Plan, Policy D3 of the London Plan, the SPD and Paragraph 126 of the Framework. These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Conclusion and Planning Balance

23. The proposed development would provide 1 dwelling which would make a limited positive contribution to meeting housing need in the area. Nevertheless, clear harm arises in respect of the impact upon the character and appearance of the area, the undemonstrated need for car parking provision and the living conditions of neighbouring occupiers. As such, the limited benefit of any contribution to meeting housing need would be offset by this harm.
24. The appeal scheme would conflict with the development plan when read as a whole for the reasons I have given, and I consider there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The proposal does not represent sustainable development and in light of the above, the appeal should therefore be dismissed.

N Praine

INSPECTOR