



Appeal Decision

Site visit made on 10 June 2022

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/C5690/W/21/3289378

4 Ringmore Rise, London SE23 3DF

- 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 Xiyun Lin against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/122902, dated 30 July 2021, was refused by notice dated 2 November 2021.
 - The development proposed is the erection of a rear extension and the subdivision of the property into 2 three-bedroom houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the proposal on the living conditions of the occupiers of 132 and 134 Westwood Park, with particular regard to outlook and privacy;
 - (ii) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook; and
 - (iii) the effect of the proposal on highway safety with regard to car parking stress in the area.

Reasons

Living Conditions – Neighbouring Occupiers

3. The appeal property is a 2-storey semi-detached house. It has 2-storey additions to the side and a large dormer has recently been added to the main rear roof slope. At the time of my visit the property was in use as a House in Multiple Occupation.
4. The property has a very shallow rear garden beyond which are 132 and 134 Westwood Park, which occupy significantly lower ground. As a consequence of this relationship, and the earlier additions to the appeal property, Nos. 132 and 134 and their rear gardens are severely enclosed by the appeal property and have very restricted outlook at the rear. To the side of the appeal property is 2 Ringmore Rise which is set out at right angles to the appeal property and therefore has rear windows facing the appeal site.

5. The proposal would include the erection of a two-storey rear addition attached to the earlier side extensions. Due to its siting, close to the boundary shared with the properties to the rear, and its height, this element would further enclose, and reduce outlook from Nos. 132 and 134 exacerbating an already poor situation. This would result in clear and unacceptable harm to the living conditions of the occupiers of Nos. 132 and 134.
6. For these reasons the proposal fails to accord with Policy 15 of the Lewisham Core Strategy (2011) (CS), Policies 31 and 32 of the Lewisham Development Management Plan (2014) (DMP) and the Council's Alterations and Extensions Supplementary Planning Document (2019) (SPD) insofar as their objectives seek to ensure new development responds to the local context and does not harm residential amenity.
7. The close relationship between the appeal property and the pair of houses to the rear also causes a significant level of overlooking. Whilst the proposal would include additional ground floor openings in the rear elevation, and potentially increased use of the rear garden area due to the formation of two family dwellings, scope exists to install a fence on the rear boundary which would mitigate any additional impacts in this respect. If the proposals were acceptable in other respects, a planning condition could be imposed to ensure adequate privacy would be maintained.

Living Conditions – Future Occupiers

8. The proposal would include a first floor level bedroom with a window in the flank elevation facing the rear garden of 2 Ringmore Rise. To prevent overlooking from this window towards No. 2 the application drawings indicate that obscure glazing would be installed up to 1.7m above floor level. As a consequence of this the bedroom would have very poor outlook resulting in unacceptable living conditions for future occupiers of this dwelling.
9. For this reason the proposal fails to comply with CS Policy 15, DMP Policy 32 and Policy D6 London Plan (2021) insofar as they relate to ensuring future occupiers of development benefit from adequate living environments.

Parking Stress

10. The proposal would result in the conversion of the garage to residential accommodation and the replacement of the hardstanding at the front of the property to provide garden space. As a consequence, if future occupiers of the proposed pair of dwellings were to own cars they would need to park on the street therefore resulting in an increase in demand for parking spaces in the area.
11. I note however that the existing crossover would no longer be needed, resulting in an increase in on street car parking capacity directly in front of the appeal property. In addition, based on my observations in the mid-morning, parking stress in the area does not appear to be noticeably high. I am also conscious that the London Plan encourages a shift away from car use dependency and the Council's SPD does not support forecourt parking for a number of environmental, amenity and aesthetic reasons.
12. For these reasons I am satisfied that any harm due to an increase in car parking demand resulting from the formation of an additional dwelling at the appeal site and loss of off-street parking capacity would be low and would be

outweighed by clear planning benefits. The proposal therefore accords with the aims of DMP Policy 29, which are to ensure the effective implementation of car limited development and other parking standards, to help minimise congestion and reduce vehicle emissions, CS Policy 14, which encourages a managed and restrained approach to car parking provision, and the overall aims of the development plan and the SPD.

Other Matters

13. Concerns have been raised in respect of the recently added rear dormer. As this does not form part of the proposal subject to this appeal it is not a matter before me.

Conclusion

14. For the reasons set out under the first and second issues above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR