



Appeal Decision

Site visit made on 28 September 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 NOVEMBER 2022

Appeal Ref: APP/C5690/W/22/3294895

Site on land to the rear of 67 Hafton Road and 30 Hazelbank Road, Hafton Road, Catford SE6 1LW

- 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 Mr Christie against the decision of the Council for the London Borough of Lewisham.
 - The application Ref DC/21/123461, dated 5 September 2021, was refused by notice dated 30 November 2021.
 - The development proposed is described as a 'single residential dwelling ... private residential amenity space and on street parking for an electric vehicle.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading I have set out a truncated form of the description of the development in the application form, omitting that which is unnecessary to accurately describe the scheme.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of 63 and 67 Hafton Road, and 28 and 30 Hazelbank Road, with particular regard to outlook; and
 - Whether the proposal would provide satisfactory living conditions for its future occupiers, with particular regard to external amenity space provision and privacy.

Reasons

Character and appearance

4. The appeal site is adjacent to the junction of Hazelbank Road and Hafton Road. It comprises a small plot of land between 63 and 67 Hafton Road. The land is currently enclosed by a high wall and fencing on all sides and is somewhat overgrown. However, in views from the street, it reads as part of the neighbouring garden. Opposite the site is an area of allotments that provide an

open setting to the junction. The site contributes to the openness and greenery of this part of Hafton Road and is highly visible in the street scene.

5. The surrounding area is characterised by traditional two storey dwellings in short terraces. End terrace properties feature modest hipped roofs, while chimneys and two storey traditional projecting front bay windows are prevalent. Though the age and style of dwellings in the area is somewhat homogenous, there is variation in finish and colours, adding interest to the street scene while maintaining a harmonious appearance. The terraces are typically set back from the footpath by small front garden areas or off-street parking spaces, enclosed by low boundary walls and soft landscaping. This provides a sense of space and adds greenery to the street scene in places. Private garden space to the rear is typically generously sized.
6. The proposal would comprise a two and a half storey dwelling of contemporary design, with a frontage onto Hafton Road. It would be largely detached from neighbouring dwellings, albeit adjoined to the single storey garage of No 63. The proposed dwelling would occupy most of the site and be located close to the pavement. The dwelling would feature a dual-pitched roof with side facing gables, a three-storey square projecting bay window to the front and timber cladding at first floor.
7. The proposal seeks to provide a modern re-interpretation of traditional features and design, and high-quality contemporary design can often sit comfortably amongst traditional dwellings. However, in this instance, I find that the proposal would not relate successfully to the existing design quality of the streetscape.
8. The Council's Small Sites Design Guide Supplementary Planning Document (the SPD), adopted October 2021, advises that 'street extension infill development', such as the appeal proposal, should generally maintain the existing building line established by the street that it is extending and the height of the closest neighbouring dwelling. The proposal however would project a considerable distance forward of the front elevation of No 63, at an oblique angle, and the proposed plans show a dwelling with a higher ridge height.
9. It is recognised the garage at No 63 provides a gap between the appeal site and this neighbouring dwelling at first floor. However, the SPD is clear that where a gap of less than 10m exists, such as between the appeal proposal and No 63, the new dwelling should adopt the building line of its immediate neighbour. In this case, the proportions of the appeal proposal and its proximity to the footpath would create an abrupt end to the attractive terrace along Hafton Road, appearing cramped in its context. Due to its prominent location, it would also be unduly obtrusive and incongruous in the wider street scene, further detracting from the character and appearance of the area.
10. I therefore find that the proposal would result in harm to the character and appearance of the area. The proposal is therefore contrary to DM Policy 33 of the Lewisham Development Management Local Plan (the Local Plan), adopted 26 November 2014, and Policy 15 of the Lewisham Core Strategy Development Plan Document (the Core Strategy), adopted June 2011. These policies, amongst other things, seek to ensure that such development is of the highest design quality, and relates successfully and is sensitive to the existing design quality of the streetscape and local context, and responds to local character. The proposal is also contrary to Policy D3 of The London Plan, adopted March

2021 which, amongst other things, seeks to ensure development positively responds to local distinctiveness.

11. In addition, the proposal conflicts with guidance in the SPD, as detailed above. It is also contrary to paragraphs 130 and 134 of the National Planning Policy Framework (the Framework), in respect of the aims of ensuring developments are sympathetic to local character, reflect local design policies and take account of local design guidance.

Living conditions of neighbouring occupiers

12. In respect of 63 Hafton Road (No 63), the proposal extends considerably forward of the front elevation of this neighbouring dwelling, albeit is separated from it by No 63's existing attached garage. While the proposed dwelling would splay away from the front elevation of No 63, it would still feature prominently in views from the ground and first floor bay windows by virtue of its considerable height and forward projection. It would have an enclosing effect on the front garden of No 63, detracting from its existing openness and unduly harming the outlook across it from the ground floor bay window in particular.
13. The proposed dwelling would sit at the end of the rear gardens serving the neighbouring dwellings at 67 Hafton Road (No 67) and 30 Hazelbank Road (No 30). The SPD indicates that where development results in a largely blank wall facing onto an existing neighbouring garden, as with the appeal proposal, it will need to be demonstrated how the design is not overbearing when experienced from the rear gardens of neighbouring properties. Where the distance is less than 10 metres, the height of the side elevation should not exceed the depth of the neighbouring garden.
14. No 30 features a relatively modest rear garden, and the blank gable of No 63 already features somewhat prominently in the outlook from it. The proposed plans indicate that at its closest point the separation distance between the proposed dwelling and the rear of No 30 would be marginally short of 10 metres. The closest part of the proposed dwelling to the rear elevation of No 30 would be single storey however, and so would be compliant in this respect. The taller blank gable would be marginally beyond the 10-metre threshold.
15. However, the parties agree the proposal would conflict with guidance in the SPD stipulating new buildings should not obstruct a line drawn from the vertical centre of a habitable room window at a 25-degree angle. In addition, the tall blank gable of the proposal would extend along No 30's full rear boundary at close distance. Given the modest size of the garden, its existing constrained outlook, the considerable height of the proposed blank gable, and the extent to which it steps forward of No 63, I find that the proposal would have an unacceptable overbearing effect on the outlook from rear facing windows and the rear garden of No 30.
16. The proposed dwelling would partially extend into views from the rear of No 67 and its rear garden. Based on the proposed plans, adequate separation distance would be maintained between the rear elevation of No 67 and the proposed dwelling, in line with the SPD. No 67 also benefits from the additional openness provided by its corner position. While the proposal would therefore feature in the outlook from rear facing windows and the rear garden, it would not unduly harm the living conditions of occupiers.

17. Separation distances between the proposed dwelling and the rear elevation of 28 Hazelbank Road (No 28) would be appreciably greater and views towards the appeal site from the rear windows are oblique. No 28 also benefits from a long rear garden and, while the proposal would have a degree of impact on the outlook from it, this would not unacceptably harm the living conditions of occupiers.
18. I conclude that the proposal would harm the living conditions of the occupiers of 63 Hafton Road and 30 Hazelbank Road, with particular regard to outlook. The proposal is therefore contrary to Policy 15 of the Core Strategy which seeks to ensure all development is sensitive to local context and addresses any adverse impact on neighbouring amenity. While I have not identified direct conflict with DM Policy 30 of the Local Plan with respect to this main issue, the proposal is contrary to DM Policy 32 of the Local Plan which, amongst other things, seeks to ensure new residential development provides a satisfactory level of outlook for neighbours.
19. In addition, the proposal conflicts with guidance in the SPD, as detailed above. It is also contrary to paragraph 130 of the Framework, in respect of the aim of ensuring development creates places with a high standard of amenity for existing and future users.

Living conditions of future occupiers

20. The proposal would feature a small external amenity area to the front and side for future occupiers. The parties agree this would exceed minimum space requirements for external amenity space set out in the London Plan. However, the proposed plans indicate this would be shared with bin and bicycle storage space and would only be enclosed by a low wall. Even if it is accepted this space would be adequate in area, it lacks sufficient screening to be private. Given the constrained nature of the site, there is no evidence before me to indicate a planning condition could be used to ensure adequate screening without further compromising the character and appearance of the area or the outlook from ground floor windows of the proposed dwelling.
21. I therefore find that the proposal fails to demonstrate satisfactory living conditions for its future occupiers, with particular regard to external amenity space provision and privacy. The proposal is therefore contrary to Policy D6 of the London Plan, which sets out standards for private outside space. The proposal is also contrary to Policies 15 of the Core Strategy and DM Policy 32 of the Local Plan which, amongst other things, seek to ensure such development provides secure, private and usable external space. The proposal also conflicts with the aims of paragraph 130 of the Framework, in respect of creating places with a high standard of amenity for future users.

Other Matters

22. Small sites can contribute towards the provision of housing, and the proposal would provide an additional unit of residential accommodation that would positively contribute to the local housing supply. The site is currently unused, and its redevelopment may provide additional natural surveillance and reduce fly tipping. However, given the scale and context of the development, these benefits would be modest.

23. I also recognise residential development in this location may be acceptable in principle, the dwelling would incorporate a fabric first approach and the proposal may be compliant with various other provisions of the development plan. However, these factors, and the absence of harm or development plan conflict with respect to other relevant matters, are neutral and weigh neither for nor against the proposal.

Conclusion

24. The other matters raised do not outweigh my conclusions on the main issues or the identified conflict with the development plan when considered as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR