



Appeal Decision

Site visit made on 14 November 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/C5690/W/22/3301281

140 Fordel Road, Lewisham, London SE6 1XR

- 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 Cannons Property Services Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/22/126276, dated 5 April 2022, was refused by notice dated 1 June 2022.
 - The development proposed is a two bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is to the rear of 140 Fordel Road within a mainly residential area characterised by terraces of two storey dwellings with rear gardens backing onto each other. In the vicinity of the site, terraces extend from the west side of Torridon Road. The areas to the rear of the end of terrace properties, which the site is, are bounded mainly by brick walls which run along the rear of the pavement on Torridon Road. Although there are a small number of outbuildings, these walls are largely unbroken in the vicinity of the site. The regular pattern of the built form results in a strong visual rhythm which gives the area a homogenous character and appearance. The rear gardens are part of the character of the area, with their generally open appearance contributing positively towards it.
4. During my site visit I observed that the site has been fenced off from the remainder of the rear garden of the property. However, based on the submitted information and my site visit observations, this would seem to be a relatively recent occurrence, and the site has clearly functioned as part of the rear garden of the property. I have not been made aware of any relevant planning history or lawful use certificates. Furthermore, the application form describes the existing use of the site as a residential garden. In terms of DM Policy 33 of the Development Management Local Plan adopted 2014 (the DMLP), it is appropriate to consider the site as part of the back garden of no. 140 rather than as an infill site, notwithstanding that the proposed dwelling would have a road frontage and that the appellant considers the site to be redundant.

5. The site is within the perimeter form residential typology as identified in the Lewisham Character Study. Part C of DM Policy 33 states that the development of back gardens for separate dwellings in this typology will not be granted planning permission. The supporting text indicates that the essential contribution that rear gardens make to the character and quality of perimeter style developments is important to the reasoning behind the policy. The Council's 2021 Small Sites Design Guide continues with the restrictive approach to developing back gardens within a perimeter block urban typology.
6. The elevation of the proposed dwelling fronting on to Torridon Road would effectively be part of the boundary wall along the pavement. The elevation facing the existing property at no. 140, which would be visible from Torridon Road, would be that of a fairly blank brick wall, with a window visible just below the roof. Its full two storey height and the majority of its windows and outdoor amenity areas would not be readily visible from most public areas but would be from a number of neighbouring properties.
7. The appellant argues that the design of the proposed dwelling means that it would resemble a single storey outbuilding, which are present within a number of the rear gardens in the vicinity. The single storey height above ground level together with its flat roof would mean that the proposed dwelling would be just under 3.9 metres in height at its highest point where it fronts onto Torridon Road, based on the submitted plans. The appellant's information states that the neighbouring garage that it would sit adjacent to is 3.4 metres in height. However, this garage is a noticeably larger and taller structure than most other outbuildings in the vicinity. The elevation fronting onto Torridon Road would result in a significantly increased height in the boundary wall running along the pavement. Although the windows of the proposed dwelling in this elevation would be obscure glazed and would have hit and miss brickwork detail, it would nevertheless be clearly residential in character.
8. The proposal, due to its detached nature sitting within a residential garden setting, would appear as a stand-alone development, which would not reflect the established and recognised residential typology of the properties in the area. It would appear as an independent dwelling out of keeping with its garden setting. This interruption to the development pattern would be significantly harmful to the character and appearance of the perimeter block which is typical of the area.
9. The design of the proposed dwelling has had regard to the nature of the site. Nevertheless, it would appear crowded on the site in a manner that would conflict with the open nature of rear gardens in the area.
10. I therefore conclude that the proposal would significantly harm the character and appearance of the area. Consequently, it would conflict with the relevant requirements of Policies D3 and D6 of the 2021 London Plan, Policy 15 of the Core Strategy Development Plan Document, adopted 2011 and DM Policies 30, 32 and 33 of the DMLP. Collectively, these policies seek to ensure that development is of a high design quality, is responsive to its context, that local context is enhanced by delivering buildings and spaces that positively respond to local character and distinctiveness, and where relevant are compatible with and/or complement the urban typologies. There would also be conflict with paragraph 130 of the National Planning Policy Framework (the Framework)

which seeks to ensure that developments are sympathetic to local character amongst other considerations.

11. As the proposal relates to a standalone new dwelling, I am not persuaded that DM Policy 31 of the DMLP, or the 2019 Alterations and Extensions Supplementary Planning Document (SPD) are directly applicable given that they relate to alterations and extensions to existing buildings. Similarly with Policy D1 of the London Plan, which appears more directed towards providing advice to local planning authorities on establishing capacity for growth, albeit through consideration of character. Consequently, I find no conflict with Policy D1 of the London Plan, DM Policy 31 of the DMLP or the SPD, although this does not alter my overall findings.

Other Matters

12. The appellant has drawn attention to two schemes that were considered as infill developments that they contend are directly comparable to the proposal. However, both sites are located within a different part of the Borough and there is limited evidence before me about the character and appearance of these areas. Furthermore, the submitted evidence indicates that there are differences with the appeal scheme, notably that the sites were clearly separated from the gardens of the properties in question. Based on the available evidence, I do not find the examples to be directly analogous. In any event, I have evaluated this appeal on its individual merits and concluded that it would cause harm for the reasons set out above.
13. I am mindful of the Government's objective of significantly boosting the supply of homes. The proposal would contribute to the supply and mix of housing on a small site in a location that is within a reasonable walking distance of services and facilities. However, the contribution made by a single dwelling would be limited. That the proposal would have no dedicated vehicle parking space may encourage future occupants to adopt more sustainable modes of transport.
14. The proposal would accord with the relevant space standards, although this would be expected of new development. The appellant has identified development plan policies and Framework paragraphs relating to matters including making the best use of land it is contended that the proposed development would accord with, as well as stating that there would be no harm to the living conditions of existing residents. While this may be the case, a lack of harm is a neutral consideration in the balancing exercise.
15. None of these matters would outweigh the harm to the character and appearance of the area.

Conclusion

16. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

F Wilkinson

INSPECTOR