



Appeal Decision

Site visit made on 25 November 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2022

Appeal Ref: APP/C5690/W/22/3303306

127 Brockley Rise, London SE23 1JP

- 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 Michael Gibbons against the decision of London Borough of Lewisham.
- The application Ref DC/22/125754, dated 25 February 2022, was refused by notice dated 26 April 2022.
- The development proposed is described as the conversion of the existing upper floors at 127 Brockley Rise SE23, to form 2 no. one bedroom flats. The demolition of the existing first floor apartment and garages to the rear of the building, and the creation of a new three storey extension to the existing building containing retail storage space and 1 no. two bedroom flat; and two adjoining 2 bedroom houses to the rear of the site.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the area, and 2) the living conditions of the occupants of 125 Brockley Rise with specific regard to outlook and light.

Reasons

Character and appearance

3. The appeal property is a three-storey end of terrace building on the corner junction of Brockley Rise and Gabriel Street. It has a commercial use at the ground floor and residential use on the upper floors. It has a two-storey rear projection, although this is not aligned with the floor levels of the main part of the building, and a single storey side extension with a lean-to roof. There is a single storey garage/outbuilding at the foot of the site that is accessed via the back-lane, and a boundary wall that abuts the footpath edge on the Gabriel Street elevation.
4. The property is part of a parade of commercial units which in turn sits within the wider local-level commercial area around this part of Brockley Rise. The commercial area does not extend towards Gabriel Street which is distinctly residential in nature and is formed of two storey terraces. Although the terraces on either side are architecturally different, they share the same distinctive linear pattern which is characterised as being set-back from the footpath edge allowing for small front gardens. They are also of a similar scale and share features such as bay windows and pitched roofs.

5. It is clear that from the rear of the three storey properties on Brockley Rise, the built environment is set at a lower scale. This visual reduction reflects the noticeable reduction in noise and activity, moving away from the more commercialised part of Brockley Rise to the evidently quieter residential area around Gabriel Street.
6. The proposed development would involve the construction of a three-storey side and rear extension. This would comprise a flat roofed section of three-storeys and two storey section with a combination of flat roofs and pitched roofs. There would be five residential units in total across the development.
7. In terms of siting, the proposed development would sit hard up against the footpath edge of Gabriel Street at the same point as the existing single-storey lean-to extension and boundary wall. Although there is existing development sited here in the form of the lean-to extension and the boundary wall, these by nature of their height and scale are not highly prominent or dominant in the street-scene. The proposed development, particularly the three-storey section, would however be considerably greater in both scale and height. The forward projection into the Gabriel Street street-scene would create an incongruous and dominant feature that would detract from the pleasant and established siting and form of the existing terrace and its set-back from the footpath edge.
8. I find some merit in the general intention for the two dwellings to broadly reflect the roof slope and general size of the dwellings on Gabriel Street and it would not be a necessity that the design and appearance of the existing terrace is replicated in the proposed development. The approach is however undermined by the harm caused due to the siting of the dwellings as set out above. They would also sit awkwardly in such close proximity with the scale and design of the flat roofed three-storey section of the proposed development.
9. The existing Brockley Rise frontage displays a pleasant symmetry across the existing five units, with each end unit, one of which being the appeal property, having a hipped roof that ends the terrace. The terrace is prominent in the street-scene, particularly from the Codrington Hill junction. When viewed from the Brockley Rise frontage, the proposed development would unbalance the terrace.
10. The existing five shopfronts are broadly the same width and height. The proposed development would stretch the shopfront of the appeal property across the side extension, unbalancing the appearance and causing harm. Additionally, although a recessed panel is proposed above the windows, the fenestration would be misaligned with the strong horizontal emphasis of the existing window arrangement, and the design and form of the side extension would sit uncomfortably with the rest of the terrace.
11. The proposed development would therefore cause significant harm to the character and appearance of the area. It would be contrary to Policy 15 of the Lewisham Core Strategy (2011), Policies 30 and 31 of the Lewisham Development Management Local Plan (2014) and Policies D1 and D3 of The London Plan (2021). Collectively, these policies require that development is of a high standard of design and have a site-specific design response having regard to the urban form of the local area including in terms of scale and alignment with the existing street.

12. The proposed development would also be contrary to the requirement of the National Planning Policy Framework (2021) (the Framework) that developments are of high quality and sympathetic to local character, including the surrounding built environment. The proposed development would also conflict with The Alterations and Extensions Supplementary Planning Document (SPD) (2019) which outlines that any extensions should take into account, amongst other things, established building lines, the character and style, including height, age, materials and massing of surrounding buildings.

Living conditions

13. The appeal property is joined to 125 Brockley Rise that has a similar ground floor commercial and upper floor residential arrangement. Like the appeal property, this property also has a two-storey outrigger which forms part of the residential property. The outrigger and the rear elevation of the main part of the building all contain windows.
14. Due to its size and siting, in close proximity to the residential uses of 125 Brockley Rise, the proposed development would appear overbearing and visually dominant when viewed from windows in the outrigger and from the first-floor window in the rear elevation of the adjoining residential property. This would cause significant harm to the outlook from the property.
15. In terms of the impact on light levels, the appellant has submitted a Daylight, Sunlight and Overshadowing Study¹. The study considers the impact on 125 Brockley Rise where four windows would fail to meet the BRE guidance. It is outlined that three of these windows are believed to serve the same bedroom and that bedrooms are regarded in the BRE guide as less important in their requirements for access to natural light than living rooms and kitchens.
16. The results show for windows which fail to comply with the guidance, there would be a significant drop in the existing vertical sky component (VSC) to the proposed VSC accounting for the proposed development. I accept that presently these windows are below the recommended threshold in the BRE guide and that for existing windows with a low VSC a comparatively low reduction can have a large effect in terms of the impact ratio. Nevertheless, the proposed development would evidently reduce the level of light that is experienced, and the reduction is of an amount that would conflict with the guidance. This reduction would cause significant harm to the light levels received by this part of the property. Although the BRE guide identifies bedrooms as less important in their requirements for access to natural light than living rooms, this does not justify allowing the reduction that would be caused.
17. I acknowledge that the existing arrangement provides less than ideal living conditions for existing occupants in terms of outlook and light. I do not however accept that this is sufficient justification to worsen the situation to the extent that the proposed development would cause. Even if I were to agree with the conclusion of the study, this would not overcome the harm that would be caused in terms of outlook.
18. The proposed development would therefore cause significant harm to the living conditions of the occupants of 125 Brockley Rise with regard to outlook and

¹ model environments 12 October 2021 Rev A

light. It would be contrary to Policy 15 of the Lewisham Core Strategy (2011) and Policies 30 and 31 of the Lewisham Development Management Local Plan (2014). Collectively, these policies require that there should be no significant loss of amenity to adjoining dwellings as a result of development.

19. The proposed development would also be contrary to the requirement of the Framework that developments create places with a high standard of amenity. The proposed development would also conflict with The Alterations and Extensions SPD (2019) which outlines that any extensions should have regard to outlook and not be overbearing and should minimise blocking of light.

Other Matters

20. The appellant has referred to a number of other developments on Brockley Road. I do not have full details of the examples in order to give them significant weight in the appeal, which I have, in any event determined on its own individual planning merits.

Planning Balance and Conclusion

21. The Government's objective as set out in the Framework is to support sustainable housing growth. The proposed development would result in a small increase in the Council's overall housing number and would be in a sustainable location. It would also be on previously developed land and bring a number of additional residents to the area who would contribute to the local economy. Collectively, I give these matters moderate weight in favour of the proposed development.
22. However, the significant harm that the proposed development would have on the character and appearance of the area, and the living conditions of the occupants of 125 Brockley Rise attracts significant weight that collectively outweighs the benefits associated with the proposed development.
23. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
24. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR