



Appeal Decision

Site visit made on 13 December 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/C5690/W/22/3304383

52 Carston Close, Lewisham, London SE12 8DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Tomas Pohnetal, Aspect Homes London, against the Council of the London Borough of Lewisham.
 - The application Ref DC/22/126901, is dated 24 May 2022.
 - The development proposed is the erection of a dwelling and associated works.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a dwelling and associated works, at 52 Carston Close, Lewisham, London SE12 8DZ, in accordance with the terms of the application, Ref DC/22/126901, dated 24 May 2022, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline form with all matters reserved. I have therefore taken the submitted plans to be for illustrative/indicative purposes only. The description of the proposed development on the application form is "*Erection of a three storey end-of-terrace dwelling with habitable roof, involving associated parking, cycle parking, refuse storage and landscaping.*" As the access, layout, scale, appearance and landscaping of the proposed dwelling are all reserved for subsequent approval, I have omitted any specific reference to these details from the description of the development.
3. On 23 August 2022, the Council issued a decision notice granting outline planning permission for the proposed development. As a valid appeal was lodged on 2 August 2022, transferring jurisdiction to the Planning Inspectorate, the Council's decision notice has no legal status.
4. It is apparent, from the email correspondence between the parties and from the Council's report, that full planning permission was granted on 27 July 2022, for the construction of a three storey end of terrace dwellinghouse, together with the widening of the existing drop kerb, provision of 1 car parking space, 2 cycle parking spaces, refuse storage and landscaping. However, I have not been provided with any details of that approved development and I have determined this case on its own merits.
5. I understand that the appellant would like to explore amended design options for the development of the site, but in this case, scale and appearance are not

matters before me. Amended design proposals may however be submitted to the Council at the reserved matters stage or via a new full planning application.

Main Issue

6. As only outline planning permission is sought for the proposal, with all matters reserved, the main issue is whether the appeal site is suitable to accommodate a new dwelling.

Reasons

7. The appeal site is situated in a residential area, in an Inner London Borough. It is located close to public services and facilities and is well served by public transport. I have not been advised of any special designations or planning constraints.
8. No.52 Carston Close comprises an end of terrace, three storey house, on a corner plot, with garden space to the front side and rear. There are almost identical blocks, of three storey terraced houses, surrounding the site on three sides. On the fourth side of the site, there is an eleven storey high block of apartments. I observed on my site visit that No.16 Leyland Road, the corner plot directly to the rear of the appeal site, has been extended up to the side boundary, in order to create additional residential units.
9. Although the proposal would inevitably result in some loss of garden space for residents of the existing dwelling and would reduce the sense of openness of the corner plot, it is my view that a single dwelling could be designed and accommodated within the site, that would provide adequate outdoor space for both the existing and proposed dwellings and without causing harm to the character and appearance of the area. Indeed, the illustrative drawings submitted demonstrate that a single dwelling, could be accommodated in the side garden of No.52, at the end of the terraced block.
10. A landscaping scheme could also be designed at reserved matters stage to ensure that soft landscaping to be retained is protected during the construction phase and that new or replacement landscaping is introduced to compensate for any losses.
11. I agree with the Council that the roof height and design of the proposed dwelling as shown on the submitted indicative drawings would harmfully detract from the appearance of the surrounding and almost identical rows of terraced properties. However, as scale and appearance are reserved, it would not be appropriate to refuse outline planning permission on this basis.
12. I therefore conclude that the appeal site could accommodate a new dwelling, subject to suitable reserved matters being submitted to and approved by the local planning authority. Consequently, the outline proposal is in accordance with Policies H1 and H2 of the London Plan (2021), which seek to increase housing supply and to support new homes on small sites in appropriate locations. The proposal would also accord with Policy 33 of the Lewisham local development framework Development Management Local Plan (November 2014), which supports new development on street corners, subject to meeting a number of criteria, which could be demonstrated at the reserved matters stage.

Conditions

13. Conditions specifying the reserved matters and the time limit for submission of the reserved matters and commencement of the development, are necessary to provide certainty. As only outline planning permission is sought, with all matters reserved, the only drawings that I have conditioned are the site location and block plan, which identify the extent of the application site.
14. I do not consider it reasonable to remove any permitted development rights at this outline stage, when the details of the dwelling to be constructed are as yet unknown. An assessment of any future reserved matters application will determine whether or not it is necessary to remove any specific permitted development rights and if so why.
15. As the refuse storage, cycle storage and bio-diversity measures do not strictly fall within any of the reserved matters categories, it is reasonable and necessary to condition the submission and approval of these details for the avoidance of doubt as to what is required in the interests of ensuring a high quality and sustainable development. Reference is made to an Arboricultural Impact Assessment, which I have not been provided with a copy of and which I am therefore unable to condition. This should however be used to inform the layout and landscaping of any future reserved matters applications.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

R Bartlett

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Number - 22-09-GA-001 - Site Location Plan
Drawing Number - 22-09-GA-002 - Block Plan
- 5) Prior to first occupation of the dwelling hereby approved, full details of the storage of refuse and recycling facilities with a biodiverse living roof shall be submitted to and approved in writing by the local planning authority. The facilities approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained.
- 6) Prior to first occupation of the dwelling hereby approved, full details of the cycle parking facilities with a biodiverse living roof shall be submitted to and approved in writing by the local planning authority. The cycle parking spaces shall be provided in accordance with the approved details and made available for use prior to first occupation and shall thereafter be permanently retained.
- 7) Details of the number and location of integrated bird/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of any above ground works. The bird/bat boxes shall be provided in accordance with the approved details prior to the first occupation of the dwelling and shall thereafter be permanently retained.

***** End of Conditions*****