



Appeal Decision

Site visit made on 21 July 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/C5690/W/22/3312891

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 London Borough of Lewisham.
 - The application Ref DC/22/126386, dated 4 April 2022, was refused by notice dated 9 June 2022.
 - The development proposed is the construction of a two storey two bedroom dwelling house on land at the rear of 67 Hafton Road and 30 Hazelbank Road SE6, including cycle and bin storage and one on street parking space with charging point for an electric vehicle.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development used in the banner heading above is taken from the Council's decision notice, rather than the application form, as this more concisely describes the proposal.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the area, and (b) the living conditions of neighbouring occupiers, with particular regard to the outlook of occupants of 63 and 67 Hafton Road, and 28 and 30 Hazelbank Road.

Reasons

Character and Appearance

4. The appeal site lies within a predominantly residential area, characterised by groups of terraced period properties which are largely consistent in their front building lines, scale and design. They are typically set back from the edge of the footpath with small front gardens, sometimes incorporating parking spaces, and enclosed by low front boundary walls or vegetation. There is some variation in the colours and finishing materials among those properties, however, the uniformity in the building line and building forms contributes significantly and positively to the established character and appearance of the area. The appeal site is opposite an open area of allotments, over which longer views towards the appeal site are possible.

5. The site currently comprises open space surrounded by varied boundary treatments and forms part of the gap between the end of terrace property to the north, 63 Hafton Road, and the rear of properties on Hazelbank Road to the south.
6. The proposal would display a distinctly modern appearance and elements of its detailed design show consideration for attributes of the surrounding area, including a two storey front bay feature, building width and shared eaves height. However, in other respects the proposal would heavily jar with its context, in particular through the combination of its forward and angled front building line, together with its palate of materials. In combination these features would result in the development appearing visually prominent and heavily at odds with the consistency of the surrounding terraces, and would appear highly incongruous in localised views.
7. The Council's Small Sites Supplementary Planning Document 2021 (SPD) is clear that street extension development should generally maintain the existing building line established by the street that it is extending, which in this case would be Hafton Road. Table 2.1 of the Development Management Local Plan 2014 (DMLP) also states that in the context of an Urban Terrace, such as this, new development should not disrupt the regularity of the street form. While the proposal would have a building line similar to the side wall of 67 Hafton Road, this is nonetheless part of a different terrace. In addition, that property appears as a subordinate addition to the terrace from which it extends due to its set backs and lowered ridge height. As such I do not consider it provides justification for, nor lessens the visual impacts of, the appeal scheme.
8. While the ability of the proposal to integrate successfully into its context does not rely solely on its building line, in the case of this appeal it is a heavy contributor to the proposal appearing visually incongruous within the street scene, given the prevailing consistent building lines in the area and the extent of the proposed projection beyond it. I have also considered the views of the earlier Inspector on this matter¹ and do not consider that the issues raised in that decision have been overcome, nor do I have a strong reason to reach a different conclusion, based on the evidence.
9. For the reasons given, the proposal would cause harm to the character and appearance of the area. It would fail to comply with Policy 15 of the Core Strategy 2011 (the CS), and policies 30 and 33 of the DMLP and the Small Sites SPD which together require development to be sensitive to local context and relate successfully to the existing design quality of the streetscape. It would also be at odds with Policy D3 of the London Plan 2021 (the LP) which requires a design-led approach which responds to a site's context, as well as the objectives of the National Planning Policy Framework (the Framework) insofar as it requires development to be sympathetic to local character and to reflect local design policies and guidance.

Living Conditions of Adjoining Occupiers

10. In respect of the effects on 63 Hafton Road (no.63), despite the alterations made to the proposal since the earlier appeal decision, most notably at the upper floors, these would not significantly alter the relationship with the front bay windows at no.63. As such it remains the case that, by reason of the

¹ APP/C5690/W/22/3294895

projection of the proposal, it would appear visually prominent in views from the bay windows of no.63 and cause undue harm to the outlook across the front garden area.

11. 30 Hazelbank Road (no.30) exists to the south of the appeal site. It has a modest sized rear garden and a number of windows and doors across its rear elevation which serve habitable rooms and which face towards the garden and the appeal site. These areas currently experience outlook towards the flank wall of 63 Hafton Road, which is visually prominent in the outlook from the property. The proposal would incorporate a small garden area to its southern side and this would assist in providing distance between the end of the garden and the new flank wall. However, given the size of the garden of no.30 together with the height and projection of the flank wall beyond no.63, the proposal would appear overbearing in the outlook from no.30, creating feelings of oppression and enclosure from within the property and the garden. As such the proposal would have a harmful effect on the outlook from no.30.
12. I appreciate that development on empty sites will often entail impacts of some degree on neighbouring properties. However, for the reasons given, I consider the extent of the effects on the living conditions of those two properties to be unacceptable.
13. 28 Hazelbank Road is set further to the east and, while the proposal would be visible from the back of that property, this would be at an oblique angle and at a greater distance. The same would apply for properties further to the east. 67 Hafton Road would experience outlook towards the proposal, however, its outlook benefits from a more open aspect as a result of its corner position. For these reasons, and having consideration for the earlier Inspectors decision, I do not find the effects of the proposal on the outlook of 28 Hazelbank Road and 67 Hafton Road would be unacceptable.
14. In conclusion on this main issue, the proposal would cause harm to the living conditions of occupants of 63 Hafton Road and 30 Hazelbank Road in terms of outlook. Consequently, the proposal would conflict with Policy 15 of the CS and Policy 33 of the DMLP insofar as they relate to respect for context and protection of amenity of adjacent houses and gardens. The proposal would also conflict with the objectives of the Framework and the Small Sites SPD relating to healthy living conditions.

Other Matters

15. The proposal would deliver a new dwelling which would contribute towards the national objective to boost the supply of homes. This would be on a small site, which the Framework recognises as one which can make an important contribution to meeting the housing requirement of an area. As a single dwelling, however, the extent of the contribution is limited. The proposal would give the opportunity to tidy the existing site which is heavily overgrown, and would introduce natural surveillance to the street in a position where little currently exists and this may reduce fly tipping. The proposal could deliver an on street parking space outside the site with an electrical charging point. However, as this lies outside the appeal site, and in the absence of evidence to the contrary, it cannot be established with certainty that this could be delivered as part of the proposal. Overall and taken together, these benefits would not outweigh the harms which have been identified, which would be significant and long lasting.

Conclusion

16. With the above in mind, there are no material considerations, including the approach of the Framework, that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

C Shearing

INSPECTOR