



# Appeal Decision

Site visit made on 29 August 2023

**by E Catcheside BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> September 2023**

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**Appeal Ref: APP/C5690/W/23/3318203**

**59 Broadfield Road, London, SE6 1ND**

- 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 A Deutsch against the decision of London Borough of Lewisham Council.
  - The application Ref DC/22/128965, dated 24 October 2022, was refused by notice dated 2 February 2023.
  - The development proposed is the construction of a hip-to-gable and rear roof extension and raising the main roof ridge and a two storey rear extension and extending the basement area, in connection with the alteration and conversion to provide 1, three bedroom self-contained flat, 1 two bedroom self-contained flat and 2, one bedroom self-contained maisonettes, with the provision of 1 car parking space, 8 cycle spaces, refuse storage and associated landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. I have taken the description of development from the Council's decision notice for completeness.

## Main Issues

3. The main issues are:
  - the effect of the development on the character and appearance of the host building and the surrounding area; and
  - whether the development would provide acceptable living conditions for the future occupants of basement Flat B, with particular regard to outlook and privacy.

## Reasons

### *Character and appearance*

4. The appeal site sits at the corner of Broadfield Road and Sandhurst Road. It fronts Broadfield Road, which is made up of large dwellings in terraced rows. There is a strong sense of rhythm on the street frontage, achieved through a mix of consistent building lines set back by generous driveways and common architectural features. The appeal site shares these characteristics and therefore contributes to local distinctiveness.
5. The appeal site has the benefit of planning permission for a roof extension and two storey rear extension, as well as conversion to form 3 dwellings. The

Council has not raised any objections to the character and appearance of these elements in the form they take in the appeal proposal. From the evidence before me, I have no reason to take a different view. I have therefore focused my reasoning on the impact of the proposed basement extension and the associated amenity space and lightwells.

6. The basement extension, sunken courtyard, and lightwells would expose the front and rear facades of the host building beneath ground level. The additional bulk and mass would be disproportionately large and would lack subservience to the host building. The effect would be exacerbated at the rear of the building, where the sunken courtyard would be an over-dominant feature in the context of the rear gardens. The lightwells and railings to the front of the building would be irregular features within the local context and would be prominent due to their size, positioning and the dark colour of the railings. Whilst they would be set back from the highway, they would remain prominent in views from Broadfield Road. The positioning of the lightwells in front of the building line would further detract from the cohesive character and sense of rhythm along the street frontage.
7. In support of the appeal, my attention has been drawn to the presence of other extensions and conversions to dwellings in the local area. However, from my observations, these developments are not directly comparable to the appeal scheme, where the proposed lightwells and railings would have an incongruent appearance that is harmful to local character. I have also been referred to the extant planning permission at the appeal site which, if implemented, would alter the character and appearance of the host property from its current form. The permitted changes to the site do not alter my view on the effect the proposal would have on the host property and local area by way of its design.
8. I conclude that the development would harm the character and appearance of the host building and the surrounding area, which would be contrary to policy 15 of the Lewisham Local Development Framework Core Strategy 2011 (the CS), policy 31 of the Lewisham Local Development Framework Development Management Local Plan 2014 (the DMLP), and policy D3 of The London Plan 2021 (the LP) which, amongst other things, expect development to show high quality design that responds to local character. It would also be contrary to paragraphs 130 and 134 of the National Planning Policy Framework (the Framework) insofar as they expect development to be well-designed and responsive to local character.
9. The Council has referred to policy D1 of the LP in its reasons for refusal. This policy is relevant to the preparation of area assessments and development plans, and I do not find it directly relevant to the appeal.

#### *Living conditions*

10. The bedroom windows for Flat B would sit below the front lightwell opening, with views of the flank lightwell walls at very close proximity. Future occupants may be able to gain upward views towards the sky when stood close to the windows, however these views would be obscured by the railings. To the rear, the outlook would be to the retaining wall of the sunken courtyard, with upward views to the private amenity spaces serving Flat A and the boundary treatments between the spaces. Views from the kitchen and living room would be partially obscured by the overhanging terrace above, which would be an imposing structure that would reduce the quality of the outlook further.

11. Basement dwellings often suffer from a limited outlook due to their nature and location, and I have had regard to the appellant's position that adequate natural light would be provided. However, the appeal proposal would offer a poor outlook to both aspects that would not be compensated for by alternative provision elsewhere in the dwelling. This would be an unsatisfactory situation that would create unpleasant living conditions for future occupiers.
12. The private amenity space for Flat A would wraparound the private amenity space for Flat B, allowing mutual overlooking. Whilst some overlooking is a common feature in the local area, the impact at the appeal site would be exacerbated because the outdoor spaces serving Flat A would be raised above the Flat B's sunken courtyard. The effect of the terrace would be particularly oppressive given it would extend over part, but not all, of the courtyard. This arrangement would fail to provide clear separation between the spaces, causing unacceptable levels of intrusion and a loss of privacy. My attention has been drawn to the similarity of the external spaces to other multi-unit buildings. However, I have limited information before me about specific developments to draw direct comparisons with the appeal proposal.
13. It has been put to me that overlooking could be reduced through additional screening measures, which could be secured through condition. However, from the information before me, I am unable to conclude on the effectiveness of those screening measures in mitigating the harm. Moreover, additional landscaping and fencing may exacerbate the harm I have identified with regard to outlook and could impact the amount of natural light within Flat B.
14. The development would fail to provide acceptable living conditions for the future occupants of the proposed basement Flat B due to inadequate levels of outlook and privacy. This would be contrary to policy 32 of the DMLP and policies D3 and D6 of the LP which, amongst other things, expect development to provide satisfactory levels of outlook and privacy for its future residents. It would also be contrary to paragraph 130 of the Framework insofar as it expects decisions to provide a high standard of amenity for future users.

### **Other Matters**

15. The development would bring some benefits in that it would provide an additional dwelling in a sustainable location and would make efficient use of the appeal site. Additionally, no harm has been identified in respect of the amenity of neighbouring occupants or car parking and highway matters. The benefits and absence of harm do not, however, outweigh the harms I have identified.

### **Conclusion**

16. The proposal would be contrary to the development plan when read as a whole, and there are no other material considerations before me that outweigh the harm I have identified. For the reasons given above I conclude that the appeal should be dismissed.

*E Catcheside*

INSPECTOR