



Appeal Decision

Site visit made on 18 July 2023 by Thomas Courtney BA (Hons) MA MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2023

Appeal Ref: APP/C5690/W/23/3316199

24 Canonbie Road, London SE23 3AP

- 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 J. Taylor against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/22/128642, dated 30 September 2022, was refused by notice dated 22 December 2022.
 - The development proposed is the construction of a two-storey building with semi-basement and front lightwell to provide a 2-bedroom attached dwelling house, with associated landscaping, bin and bicycle stores.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appeal proposal is a revised scheme following a previous appeal decision on an earlier application. In March 2021, application ref. DC/20/119762 for the erection of a four-bedroom dwelling was refused and dismissed at appeal in November 2021 (Ref APP/C5690/W/21/3263789). Another scheme for a three-bedroom house was refused in June 2022 (ref. DC/22/126637).

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the area and b) the living conditions of the occupiers of No 26 Canonbie Road with specific regard to outlook; and c) whether sufficient information has been submitted in regard to the proposed basement.

Reasons for the Recommendation

Character and Appearance

5. The appeal site comprises part of the rear garden and land to the side of the appeal building. It lies within an established residential area characterised by a mix of dwelling types varying in age, height, design, spacing and materials. There is a relatively consistent building line to both sides of the street although
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No 26 and the adjoining three storey block of flats at Burwood Court are set a few metres further back. Whilst the spacing between the dwellings on Canonbie Road does vary, there are numerous considerable gaps between the properties, such as those between Nos 33 and 27, and 24 and 26 that contribute to a pleasant sense of spaciousness along the road.

6. The overall architectural form, profile and materials of the proposed building would harmonise with the host dwelling. The front elevation would be recessed in the corner closest to the common boundary with No 26. However, in light of the considerable width and height of the building and its proximity to the common boundary, the scale of the proposal would be excessive and significantly reduce the gap between No 24 and No 26. This would give the plot a cramped appearance and lead to a terracing effect which would erode the sense of spaciousness.
7. Despite the recessed corner, the forward projection relative to No 26 would accentuate the narrow gap between the properties and draw attention to the above harm. The resultant building would dominate the neighbouring property as it would be taller and bulkier. As noted by the Inspector in appeal APP/C5690/W/21/3273789, No 26 would thus appear to be constricted between the proposed dwelling and Burwood Court.
8. Planning permission has been granted for the construction of a roof extension to include raising the ridge height and the addition of a second storey with a small balcony to the rear, together with the replacement of the single storey rear extension at No 26 (ref. DC/21/124226). The additional height of No 26 would serve to reduce the dominant effect of the proposed dwelling. However, the approved scheme at No 26 would not alter the fact that the proposed appeal dwelling would appear awkwardly bulky within its plot and would reduce the visual gap which positively contributes to the street scene.
9. Nos 9-15 do not give credence to the scale and siting of the proposal. The existence of portions of built fabric along Canonbie Road with small separation gaps or which are terraced in nature does not necessarily imply it is acceptable or that the existing visual gap at the appeal site should be reduced to this degree. With this and the above in mind, the proposal would unacceptably harm the character and appearance of the area. As such, it would conflict with Policies D3 and D4 of the London Plan 2021, Spatial Policies 5 and 15 of the Core Strategy¹, Policies DM 30 and DM 33 of the Local Plan² and the Framework³ which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.

Living Conditions

10. Given the recessed corner of the proposed dwelling, neighbouring occupiers would not be unreasonably affected by the proposal. The rooms served by the ground and first floor windows of No 26 would still receive adequate light and the neighbouring occupiers would not feel dominated by the proposal. The front outlook enjoyed by the occupiers of No 26 would be satisfactory. The proposal

¹ Lewisham Local Development Framework – Core Strategy Development Plan Document, adopted June 2011 (Core Strategy)

² Lewisham Local Development Framework – Development Management Local Plan, adopted 26 November 2014 (Development Management Local Plan)

³ The National Planning Policy Framework 2023

would not therefore harmfully affect the living conditions of the neighbouring occupiers with regards to outlook and would thus adhere to Policy DM 33 of the Local Plan which seeks, amongst other things, to ensure proposals do not result in a loss of amenity to adjacent properties.

Basement

11. Theoretically speaking, a Basement Impact Assessment (BIA) and Construction Management Plan (CMP) can be secured by means of a condition. I am also aware that the current proposal seeks to repeat that which exists on the donor property, to which no concerns were raised under planning permissions ref. DC/19/115127 and DC/20/116234.
12. That said, it is important for the Council to have a precise understanding of the nature of the works and their impact on adjoining residents and the public realm. In this case, the proposed basement would be of a substantial size, and I concur with the Council that the submission of a BIA and CMP is important in assessing the impacts of the scheme and whether permission should be granted in the first instance. This is particularly relevant in this case given the live enforcement investigation relating to the basement constructed at the host dwelling.
13. In the absence of such detail, I can only conclude that insufficient information exists for a correct assessment to be made. As such, I cannot be certain that the scheme would comply with Policy D10 of the London Plan, which states that the construction of basements needs to be managed and designed effectively to avoid significant disturbance as a result of structural stability issues. It risks also failing to comply with Policies D3 and D4 of the London Plan, Spatial Policy 5 and Policy 15 of the Core Strategy and Policies DM 30 and DM 33 of the Local Plan which seek to ensure, amongst other things, that proposals such as infill development are sensitively designed through appropriate construction methods.

Other Matters

14. I appreciate the proposal is a car free development and is located in a sustainable location in regard to access to other means of transport. However, this aspect of the scheme would not be sufficient on its own to outweigh the above harms. Similarly, the contribution the development would make to the housing supply is recognised but the weight that can be afforded thereto is tempered by the fact that there does not appear to be an evidenced shortage of housing in the area.

Conclusion and Recommendation

15. Whilst the scheme would be acceptable in the case of the living conditions of neighbours, as a lack of harm it would be insufficient to outweigh the harms and conflict with the development plan (as a whole) that I have found. There are no sufficiently weighty material considerations that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison

INSPECTOR