



Appeal Decision

Site visit made on 12 October 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/C5690/W/23/3319845

The Glasshouse, 2A Morley Road, Hither Green, Lewisham, London SE13 6DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order).
 - The appeal is made by M&S Reversionary Investments Limited against the decision of London Borough of Lewisham.
 - The application Ref DC/22/127766, dated 22 July 2022, was refused by notice dated 5 October 2022.
 - The development proposed is two storey upward extension above existing building to create four new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with, amongst other things, engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses.
3. As detailed within the Order, development under Class A is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval. The local planning authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
4. The provisions of the Order require the local planning authority to assess the development proposed solely on the basis of a limited number of considerations. The Council refused to grant prior approval due to the effect of the development upon the external appearance of the building. I therefore consider this to be the main issue in the appeal.
5. The Order sets out that regard should be had to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Development

plan policies can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

6. The main issue is whether prior approval should be given, having regard to the resulting external appearance of the building.

Reasons

7. Where any development under Class A is proposed, development is permitted subject to the condition that, before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to, amongst other things, the external appearance of the building.
8. The appeal property is a part three-storey, part four-storey residential block of flats. It is located on Morley Road where there are residential properties of various sizes. Those on the side of the road where the appeal property is located are predominantly two-storey, including those adjacent to the appeal property. The appeal property is also adjacent to a medical practice of around 2 and a half storeys in height. There are taller buildings in the wider area located on Lewisham High Street. Most notably the part six-storey, part four storey-building on the corner of Lewisham High Street and Morley Road which extends to Clipper Way which runs to the rear of the high street.
9. The appeal property is sited on the lower section of Morley Road which is closest to Lewisham High Street. Around two-thirds of the building is four storeys, which drops to three storeys where it sits adjacent to the two storey properties on Morley Road. It has a distinctive curved roof over each section with the roof over the lower section of the building at right angles to the curvature of the other sections.
10. The proposed development would add an additional two storeys to part of the building. The fifth storey addition would be across the whole of the four-storey section of the building with the sixth storey being broadly centrally located and covering around three-quarters of the resulting five storey section.
11. Although the sixth storey addition would be set in slightly from the building edges, and be constructed of a contrasting cladding material, when combined with the proposed additional fifth storey, it would considerably increase the bulk and massing of the building. When viewed in the context of the surrounding built environment, which is of a notably lower scale, due to the resulting scale and mass, the appeal property would appear dominant and incongruous. The extended appeal building would harmfully upset the existing arrangement and would appear discordant and jar with the existing development which is of a lower scale.
12. I have acknowledged the presence of some large buildings close to the appeal site. These however are infrequent and are concentrated on the high street and extending back from it. They are typically not set amongst development of a clearly lower scale as is the case with the appeal property. The appeal site and the surrounding built environment have a clear visual separation from the high street setting in terms of the scale and mass of properties. The fact that the Travelodge building reduces in scale from six to four storeys as it extends

towards Morley Road suggests an acknowledgement of the difference in building heights which extends back from the high street.

13. I am also referred to planning consents to add an additional floor to the building. These however would add an additional one floor only, as opposed to the two floors in the appeal proposal. They are also of different design. Therefore, they are not directly comparable and consequently as a fallback, they are of limited weight in the appeal.
14. I therefore find that the proposed development would cause significant harm to the external appearance of the building. The proposal would be contrary to the National Planning Policy Framework (2023) in respect of the matter of external appearance and the requirement for good design.
15. In terms of their relevance as a material consideration as they relate to the prior approval matter, the proposed development would be contrary to Policy 15 of the Lewisham Core Strategy (2011) and Policy 30 of the Lewisham Development Management Local Plan (2014). Collectively, these policies require that development is of high-quality design which relates to the scale, height and mass of the existing street.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR