



Appeal Decision

Site visit made on 5 December 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/C5690/W/23/3324208

2 Wearside Road, Ladywell, Lewisham, London SE13 7UN

- 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 Hancock against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/23/130631, dated 3 March 2023, was refused by notice dated 28 April 2023.
 - The development proposed is the demolition of the existing building and garages adjoining 2 Wearside Road and the construction of a two-storey plus roof space building to provide one x two-bedroom three person flat and one x two-bedroom four person flat together with the provision of bin and bike storage and landscaping.
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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. In the interest of accuracy, the description of development in the banner heading above is based on the decision notice and the appeal form.
4. The Government has published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.

Main Issues

5. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the St Mary's Conservation Area;
 - the impact of the development on the living conditions of the future occupants with particular regard to privacy and access to private external amenity space; and
 - the impact of the development on the living conditions of the neighbouring occupants at Nos 9-13 Ladywell Road with regard to outlook and access to light.
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Reasons for the Recommendation

Conservation Area

6. The appeal site comprises land to the side of No 2 Wearside Road and at the rear of Nos 9-13 Ladywell Road. It includes a single storey building and a two-storey building which are currently vacant and associated with a former commercial use. The site lies within the St Mary's Conservation Area (CA) which covers a small residential area to the east of Ladywell station, a portion of Lewisham High Street as well as St Mary's Church, its grounds and the buildings which lie to the north which include the Ladywell Centre, the former Ladywell Baths and the coroner's court building on Ladywell Road.
7. As the proposal is located in a conservation area, the statutory duty at section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
8. The CA centres around Grade II listed St Mary's Church, one of the oldest structures in the borough of Lewisham, with parts of the tower dating from the late 15th century. There are also grand Victorian buildings which lie on the southern side of Ladywell Road that were built for municipal use and leisure activities in the late 19th century. The area around the appeal site is typified by Victorian built form with the terraces on Ladywell Road and Church Grove being built in 1857. The materials used were typical of the time, with yellow stock bricks, stucco dressings and sash windows with delicate glazing bars.
9. The appeal site forms part of the historical rear gardens of a row of pitched roofed front gabled Victorian houses at Nos 9-13 Ladywell Road that are distinctive and directly contribute to the character and significance of the CA. The significance of the CA is derived from its historical urban form and Victorian terraced housing.
10. The appellant has suggested that the appeal proposal would complement the area and is appropriately scaled. However, the resultant building would appear bulky given its proposed width and height. Indeed, the front elevation would be wider than the other houses on Wearside Road and the roof ridge height would be taller than the ridge height of the neighbouring terrace. The two-storey side element would be read as an overly large extension as it would only be minimally recessed from the front elevation. The roof would also only be slightly lower than the main roof. It would thus fail to appear sufficiently visually subservient. Because of this and the positioning of the front door within the side element, the front façade of the building would appear awkward and unbalanced.
11. The appellant states the development has taken design and architectural cues from surrounding buildings and whilst I note the use of yellow stock brick, red brick courses on the side elevation, slate roof, front bay windows and use of timber sash, it does not incorporate attractive historical detailing such as a chimney, a roof parapet, brick coursing to the front façade or chamfered headings that were included in previously consented schemes (ref DC/20/119172 and DC/22/125613) and which are characteristic and visible on properties in the vicinity. The comparatively plain front profile and the insertion

- of roof windows within the front roof slopes would jar with the Victorian character of the surrounding built form.
12. The appellant states that there are structural considerations impeding the construction of a building attached to No 2, thus necessitating the approach as proposed. Whilst this may well be the case, the detached nature of the proposed development would be particularly noticeable and serves to highlight its incongruity, which the revealed constraints of the site would not in themselves justify overlooking.
 13. The gap between the host dwelling at No 2 and Nos 7-13 Ladywell Road provides a visual and transitional break between the terraces on Wearside Road and the rear of the three-storey terraced parade of shops to the south. It positively contributes to a sense of spaciousness between the buildings and forms an important part of the spatial character of the conservation area. Whilst it is recognised that there is extant permission for development on the site, the proposal is wider and bulkier than previously consented schemes, and would result in greater disruption to the rhythm of the streetscene and would constitute a discordant and obtrusive development.
 14. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. The proposed building would constitute a discordant and incongruous addition that would jar with the historical character and appearance of this section of Wearside Road. It would thus detract from the significance of this part of the CA. However, given the small scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
 15. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appeal statement states that the proposal would be beneficial because it would provide two new self-contained flats on a small site which constitutes brownfield land and is accessible with public transport. I acknowledge that the provision of two additional residential units would constitute a public benefit, but given the small scale of the development and the fact that I have not been provided with any evidence that there is a demonstrable need for flats rather than family homes in the area, it would attract only limited weight in support of the scheme, insufficient to outweigh the harm identified above.
 16. Given the above and in the absence of any substantiated or significant public benefit, I conclude that the proposal would fail to preserve the character or appearance of the St Mary's Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 203 of the Framework and conflict with Policy HC1 of the *London Plan* (2021), Policies 15 and 16 of the Council's Core Strategy (2011)¹, Policies 30, 31 and 36 of the Lewisham Local Plan² and the guidance contained within the 'Small Sites Vision' Supplementary Planning Document (SPD) (2021)³ that together seek, among other things, to ensure

¹ London Borough of Lewisham Council, *Core Strategy – Development Plan Document*, Adopted June 2011

² London Borough of Lewisham Council, *Development Management Local Plan*, Adopted November 2014

³ London Borough of Lewisham Council, *Small Sites Vision – Development Strategy Document*, October 2021

proposals are well designed and conserve the significance of conservation areas.

Living conditions of future occupants

17. The plans indicate the future occupants of the proposed flats would have a shared garden. The appellants contend this is not unusual for this type of multi-unit development but also state that the exterior amenity space could be suitably sub-divided by imposing a condition requiring the erection of a boundary structure within the rear garden.
18. The future residents of Flat 2 would have poor access to the outside amenity space as they would have to exit their first-floor premises and use a side alley to access the rear garden. This would be somewhat awkward and symptomatic of a poorly arranged layout. What's more, the shared garden would adversely impact the privacy of the occupants of Flat 1 given the residents of Flat 2 could look directly into the ground floor kitchen and dining/lounge area of Flat 1 when using the garden.
19. I have had regard to the suggestion of the appellant that the garden could be sub-divided to provide private garden space for both units. However, whilst this may not be an unusual arrangement in flatted developments, the poor access arrangements for the occupants of Flat 2 would still remain. It would also be oddly shaped and located directly adjacent to the ground floor kitchen window of Flat 1. The failure to provide clearly defined and appropriate private external amenity space for each unit would not be satisfactory given the size of the plot.
20. As such, the development would adversely impact the living conditions of the future occupants with regards to privacy and poor access to private external amenity space. It would conflict with paragraph 135 of the Framework, Policy D6 of the London Plan, Policy 15 of the Core Strategy, and Policy 32 of the Local Plan which together aim to ensure developments provide a high standard of amenity for future residents.

Living conditions of neighbours

21. The proposed building would be sited in close proximity and directly opposite to the rear outriggers of the properties at Nos 9-13 Ladywell Road. The southern flank of the proposal is located at approximately 3.0-3.15m from the rear outrigger of No 9, roughly 3.5m from No 11, and 3.75-4m from No 13. The first-floor rear facing windows of No 9 and No 11 are also located approximately 6.58m from the southern flank wall of the development.
22. These separation distances are below the recommended 10 metres outlined in the Small Sites Vision SPD and are clearly unsatisfactory as they would significantly impact the outlook from these windows. The two-storey development would appear dominant and would lead to an increased sense of enclosure that would negatively impact the living conditions of the occupants of Nos. 9-13 Ladywell Road.
23. The appellant opines that the impact of the proposed scheme would not be dissimilar to the impact of the previously permitted schemes. However, the proposed building is larger and bulkier than the consented schemes given its increased width, depth and height. The southern side elements in the previous proposals were also only single storey.

24. The Council indicate they are not satisfied the proposal would result in a reasonable impact on the amenity of the southern neighbours with regards to light. However, given the position and orientation of the buildings on-site with the proposed building located to the north of Nos 9-13, there would not be an unreasonable effect on the amount of light received by the neighbouring occupants.
25. Given the above, the proposal would result in an adverse impact on the living conditions of the neighbouring occupiers at Nos 9-13 Ladywell Road with regards to a loss of outlook. It would therefore conflict with paragraph 135 of the Framework, Policy D3 and D6 of the London Plan, Policy 15 of the Core Strategy, and Policy 32 of the Local Plan, the 'Alterations and Extensions' SPD (2019)⁴, and the 'Small Sites Vision' SPD which together aim to ensure developments protect the amenity of neighbouring occupiers.

Planning Balance and Recommendation

26. I recognise that the proposal would provide two additional housing units and make a limited contribution to housing supply in the area. There would also be associated social and economic benefits which would arise, both from the construction process and subsequent engagement by new residents with local businesses and in the community. However, these benefits would as a consequence of the scale of development be limited, and for the same reason I also attach limited weight to the efficient use of land.
27. Nevertheless, I have found that the proposal would give rise to harm to the significance of the CA and would have an adverse impact on the living conditions of the future occupants and neighbouring occupiers. This results in conflict with the Framework, to which I afford significant weight. The limited benefits arising in this case would not outweigh this conflict.
28. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR

⁴ London Borough of Lewisham Council, Alterations and Extensions, Supplementary Planning Document, April 2019