



Appeal Decision

Site visit made on 12 February 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/C5690/W/23/3326074

59 Broadfield Road, Lewisham, 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 Deutsch against the decision of the Council of the London Borough of Lewisham.
 - The application Ref 23/131223, dated 17 April 2023, was refused by notice dated 27 June 2023.
 - The development proposed is alteration and conversion of existing house to 4no. flats, requiring the construction of a hip-to-gable and rear roof extension, raising the main roof ridge and a two-storey rear extension and the erection of a new end of terrace three storey family house, with the provision of 2 car parking space, 11 cycle racks, refuse storage and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, a revised version of the National Planning Policy Framework ('the Framework') was published. The Council and the appellant have been given the opportunity to comment on these matters. I have had regard to the revised Framework in my decision.
3. Additionally, since the Council issued its decision, the 2022 Housing Delivery Test ('HDT') results were published on 19 December 2023. Both parties were invited to provide comments on the HDT results.
4. At the time of my site visit, building work was being undertaken at the property, these included works to the roof. Due to the level of scaffolding and sheeting in place, I was unable to establish whether the works being undertaken align with the proposal. Accordingly, I have considered the appeal on the basis of the scheme as set out in the provided plans.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide acceptable living conditions for future occupiers with particular regard to privacy, and;
 - whether the proposal makes adequate provision for the storage of cycles.

Reasons

Character and appearance

6. The Council has not raised any objection to the proposed alterations to the roof of the appeal property or the proposed two-storey rear extension. Based on the evidence that is before me, I have no reason to take a different view. I have therefore restricted my consideration to the proposed basement and sunken terraces, and the additional dwelling.
7. The appeal property contains key design features of the area. These include the double storey symmetrical canted bay windows with painted stone heads and mullions and the arched front doorway. Although there are some exceptions, the area is notable for the uniformity of properties. The key design features and the high degree of consistency give streets in the area a strong architectural rhythm. In contrast, the proposed new dwelling would present a contemporary design approach using a brick and render finish with zinc roof and aluminium windows.
8. I acknowledge that the proposed dwelling would respond to some of the features of the locality, including the stone decorative banding and the arched doorway. However, the square two storey front projection and approach to fenestration and roof design would not reflect the canted bay windows with hipped roofs that are such a strong feature of the area. Rather than appear as a modern interpretation of these features, the overall boxlike and angular approach to the design with a number of flat roofs, would appear as discordant. Being located at the end of the street and at a junction of several roads, the proposal would also be prominent and would stand out as an outlier within the area and would interrupt the architectural rhythm. In doing so, it would be harmful to the character and appearance of the area.
9. I acknowledge that good design does not necessarily mean that surroundings should be replicated, and I accept that there are circumstances where an alternative design approach can result in high quality development. However, in this location there is a particularly strong character and the proposal before me would dilute the key features to a significant extent. In doing so, it would fail to respond to its context.
10. I observed that there is an existing more modern development located opposite the appeal site on Sandhurst Road. The appeal scheme would reflect this development in some respects, but it would differ in its approach to the roof of the two-storey projecting bay. The introduction of a further alternative contemporary approach would not complement this example, nor would it serve to reinforce local character. Rather, it would introduce another form of design, further detracting from the strong character of the area.
11. I also saw that a number of other corner plots on Broadfield Road have previously been developed. These examples include a variety of design approaches, but generally appear to have been approached as a continuation of dwellings within the street to which they are attached. None appeared to be directly comparable to the scheme before me or represent such a significant divergence from the character of the area. None of the existing examples of development in the area to which I have been referred would justify the harm that I have found.

12. The proposed basement and sunken terraces would be located at the rear of the property, with ground levels at the front being retained. Although the introduction of an additional level of occupancy at lower ground floor level would, in effect, result in a three-storey building and would expose masonry, this change would not be widely visible from the surrounding area.
13. Although the proposed sunken terraces would project into the rear, again this change would not be widely visible. Although a significant change, this could be suitably accommodated within the overall context of the alterations proposed at the appeal property. I conclude that neither the proposed basements nor sunken terraces would be harmful to the character and appearance of the area.
14. Nevertheless, the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policy D3 of The London Plan ('LP'). Lewisham Local Development Framework Core Strategy ('CS') Policy 15, Lewisham Local Development Framework Development Management Local Plan ('DMLP') Policies 30, 31, 32 and 33. Together, and amongst other factors, these policies state that new development should positively respond to local distinctiveness and character, be sensitive to the local context and be of a sensitive design quality. It would, however, broadly accord with advice within the Lewisham Alterations and Extensions Supplementary Planning Document.
15. In refusing permission, the Council also referred to LP Policy D1. This policy refers to the preparation of area assessments and development plans, and I consider that it is not directly relevant to this proposal.

Living conditions

16. The outdoor space to the rear of the proposed flats would be divided into four smaller individual garden areas. Units A and B would be provided with sunken paved areas at lower ground floor level, with steps upwards onto grassed areas at ground floor level. Beyond, would lie the gardens serving Units C and D, both accessed at ground floor level by means of steps to account for the sloping nature of the garden.
17. The provided plans indicate that the access steps and walkway would be demarked by a close-boarded timber fence, and I consider that this would be adequate to prevent any actual, or perceived, overlooking of the sunken terraces or rooms in the lower ground level of the building from any person using the central steps and walkway to access the gardens relating to Units C and D.
18. I conclude that the proposal would provide acceptable living conditions for future occupiers with particular regard to privacy. It would therefore accord with LP Policies D3 and D6, DMLP Policy 32 which together, and amongst other factors, state that developments should provide satisfactory levels of outlook and privacy for future occupiers.
19. The proposal would also comply with advice within the London Housing Supplementary Planning Guidance and the Alterations and Extensions Supplementary Planning Document which highlight the importance of the quality and design of housing, and state that basements will be supported where they would provide a good standard of accommodation.

Cycle storage

20. The provided plans indicate that bike sheds for 8 bicycles would be provided within the front garden of the proposed flats and for a further 3 bicycles in a shed in the rear garden of the proposed additional dwelling. It is common ground that LP Policy T5 requires that the proposal, as a whole, should provide storage for 9 bicycles.
21. The Council has stated that the proposed stores would not be large enough to provide adequate storage for 7 bicycles, but the basis or relevance of this figure is not clear. However, even if the proposed storage would be unable to accommodate the full 11 bicycles indicated on the provided plans, I consider that the proposed stores appear to be likely of sufficient size to accommodate the total of 9 bicycles required.
22. Furthermore, there would be sufficient outdoor space associated with the proposed development to allow larger cycle storage structures to be provided if required. If I was minded to allow the appeal, this is a matter which could adequately be controlled by means of an appropriately worded planning condition.
23. The proposal would be capable of providing adequate storage for cycles. It would therefore be in accordance with LP Policy T5 which, amongst other factors, states that development proposals should provide appropriate levels of cycle parking which should be fit-for-purpose, secure and well-located.

Other Matters

24. I have found that the proposal would be acceptable with regard to the living conditions of future occupiers and the storage of cycles. However, the absence of harm in relation to these matters does not weigh in favour of the proposal.

Planning Balance

25. The most recently published HDT results indicate that the Council's delivery of housing was below 75% of the housing requirement over the previous three years. Consequently, the presumption in favour of sustainable development set out at Paragraph 11 (d) of the Framework applies.
26. In these circumstances, Paragraph 11 (d) (ii) of the Framework states planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. The proposal would represent a modest contribution towards the supply of deliverable housing sites in the area, in an appropriate location and making efficient use of the appeal site. Being a small-scale development, it is likely that it could be delivered quickly. Having regard to Paragraph 60 of the Framework, which sets out the Government's objective of significantly boosting the supply of homes, and the current level of under-delivery, this is a moderate benefit of the scheme.
28. Limited economic benefits would also be likely to arise from employment during construction works, and thereafter through the additional expenditure by future occupiers, but the scale of the proposal means that these benefits would be modest in nature.

29. However, for the reasons given above, the appeal scheme would be harmful to the character and appearance of the area, and this harm would significantly and demonstrably outweigh the benefits of the scheme.

Conclusion

30. The proposal would conflict with the development plan when read as a whole. Having regard to all matters raised, there are no material considerations, including the Framework, which would indicate taking a decision other than in accordance with the development plan in this case.

31. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR