



Appeal Decision

Site visit made on 17 April 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2024

Appeal Ref: APP/C5690/W/23/3331526

140 Fordel Road, Lewisham, London SE6 1XR

- 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 Cannons Property Services Ltd against the decision of the London Borough of Lewisham.
 - The application Ref is DC/23/131156.
 - The development proposed is proposed two bedroom house (revised proposal).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (2023) (Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would provide a satisfactory standard of accommodation for future occupiers, with particular regard to outlook and passive ventilation.

Reasons

Character and appearance

4. The appeal site is located adjacent to Torridon Road and to the rear of 140 Fordel Road (no. 140), which is a two storey terraced property. The surrounding streets are characterised by two storey terraced houses with rear gardens backing onto each other. The rear gardens are bordered mainly by brick walls which are fairly uniform in height and which run along the rear of the pavement on Torridon Road.
5. In determining the previous appeal¹ the Inspector found that the site had been fenced off from the remainder of the rear garden of no. 140. However, this

¹ APP/C5690/W/22/3301281

seemed to have been a relatively recent occurrence, and the site had clearly functioned as part of the rear garden of the property. From the submitted evidence and my observations on site, I have no reason to disagree with this conclusion. As a result, Policy 33 of the Development Management Local Plan (2014) (DMLP), applies and it is appropriate to consider the site as part of the back garden of No. 140 rather than as an infill site.

6. Despite some examples of outbuildings within the local area, the back to back rear gardens and the fairly consistent height of boundary walls and fencing fronting Torridon Road create a regular pattern of development and a pleasing sense of uniformity. In addition, the generous depth of the rear gardens provides a green buffer between the residential development fronting parallel streets, creating a spacious character and appearance when viewed from the highway.
7. The proposed dwelling is unlikely to be prominent in public views from nearby vantage points. However, given the built up nature of the area, it would be visible from a number of properties on both Fordel Road and Torridon Road. The introduction of a dwelling, with a footprint of this size, and built close to the site's boundaries, would erode the open nature of the appeal site.
8. The Council state, and it is not disputed by the appellant, that the combined footprints of the proposal and the recent extension at no. 140 would reduce its garden by 34%. Whilst I have not been provided with further details, such as the approved drawings in relation to this extension, I observed a recently constructed single storey rear projection at the property. The additional built form within the appeal site would highlight that the proposed dwelling and no. 140 would have noticeably and uncharacteristically smaller gardens than neighbouring properties.
9. I note that the height of the proposal has been reduced in comparison to the previous appeal proposal, and has been designed to have a similar appearance to an outbuilding which the appellant suggests could be constructed using permitted development rights. However, for the reasons set out above, the building would have a harmful impact on the open and spacious character of rear gardens within the area and would amount to a form of overdevelopment which would be read as a cramped, incongruous feature.
10. I therefore conclude that the proposal would harm the character and appearance of the area. Consequently, it would conflict with Policy D3 of the London Plan (2021) (LP), Policy 15 of the Core Strategy Development Plan Document (2011) (CS) and Policies 30 and 33 of the DMLP. Taken together, these seek developments which reinforce and enhance local character and distinctiveness, taking into account existing patterns of development and urban typologies.
11. There would also be conflict with paragraph 135 of the Framework and the Small Sites Design Guide Supplementary Planning Document (2021) which require that developments are visually attractive as a result of good architecture, layout and effective landscaping, and respond appropriately to the character and heritage of their neighbourhoods.

Living conditions for future occupiers

12. Both the lower ground floor bedrooms would have windows opening onto a small lightwell garden area, which would be enclosed by high boundary walls.

These would be the only windows at lower ground floor level and would be in close proximity to the boundary walls. Consequently, the bedrooms would provide very limited outlook for future occupiers.

13. I am mindful that future occupiers are likely to spend much of their time in the kitchen/dining room and living room on the upper floor. However, the outlook from this space would be similarly constrained, with restricted views into the lightwell and terrace which would be surrounded by the site's boundary walls. Given the limited outlook across both floors of accommodation future occupiers would find the living environment oppressive.
14. The main parties agree that the proposal would provide a satisfactory level of daylight and sunlight for future occupiers. The proposal would also exceed the minimum floor area set by the Nationally Described Space Standards (2015) However, these considerations do not address the harm arising from the constrained outlook for future occupiers.
15. Policy 32 of the DMLP outlines that single aspect dwellings will require a detailed justification as to why a dual aspect dwelling is not possible and a detailed demonstration that adequate lighting and ventilation can be achieved. The proposal would be primarily single aspect, albeit the lower ground floor would provide a second aspect looking into the lightwell. The ground floor would be single aspect with large, fixed shut rooflights which would have no relief from direct sunlight throughout large parts of the day. Consequently, and without any detailed evidence that the proposal would be well ventilated, it seems to me that the proposal would be at risk of overheating during periods of warm weather.
16. For the above reasons, I conclude that the proposal would not provide satisfactory living conditions for its future occupiers. This would be contrary to Policy D6 of the LP, Policy 15 of the CS and Policy 32 of the DMLP insofar as they require development proposals to be of a high standard of design and layout.
17. I also find conflict with paragraph 135 of the Framework which requires that developments provide a high standard of amenity for future users.

Other Matters

18. I note concerns regarding the service provided by the Council. This does not affect the merits of the proposal itself and as such has not been determinative.
19. The appellant has identified development plan policies and Framework paragraphs relating to matters including making the best use of land, which it is contended that the proposed development would accord with. I have also found no harm in relation to matters such as the living conditions of existing neighbouring residents. However, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.
20. The Framework seeks to significantly boost housing supply and indicates the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would represent a modest contribution of one dwelling 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, this is a moderate benefit of the scheme.

21. Limited economic benefits would also be likely to arise from employment during construction works, and thereafter through the additional expenditure by future occupiers. I attach moderate weight to these matters, but they do not outweigh the harm arising from the two main issues in this appeal.

Conclusion

22. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR