



Appeal Decision

Site visit made on 5 August 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/C5690/W/24/3339193

Land to the rear of 58 Canonbie Road, Lewisham, London SE23 3AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dominic Cummings of BE57 Asset Management Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/131478.
 - The development proposed is a single new detached dwelling on two floors only.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address on the application form is not accurate. I have amended the address in the banner heading above after reviewing the evidence.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located at the junction of Westwood Park and Canonbie Road, within a pleasant residential area containing a mix of dwelling types and sizes. In the vicinity of the appeal site the dwellings are traditional, two-storey, semi-detached buildings, of differing designs, many of which have loft conversions. These properties generally have small front gardens, some of which are hard-surfaced and used for the parking of vehicles, with larger gardens to the rear.
5. The terrain of the area is hilly, with Canonbie Road sloping steeply in the vicinity of the appeal site, whilst Westwood Park slopes gently downhill, away from the junction.
6. The appeal site was formerly part of the rear garden of 58 Canonbie Road and contains a flat-roofed twin garage building that faces onto Westwood Park. It also contains some smaller outbuildings and some part-built concrete structures. At the time of my site visit, the site was largely screened from Westwood Park by a conventional timber fence with construction hoardings above.
7. No 58 is at a lower elevation than the adjoining semi-detached building at No 60, but at a higher elevation than the dwelling on the opposite side of

Westwood Park and the dwelling to the south of the appeal site, 1 Ringmore Rise. The rear garden of No 58 is also at a higher elevation than the garages which have a level access onto Westwood Park itself.

8. The existing garages are a singular feature in the streetscene and together with the associated structures and hoardings, do not currently make a positive contribution to the character and appearance of the area. However, at the time of their construction the buildings would have been clearly ancillary to the host building and so legible within the streetscene.
9. The proposed development would entail the clearance of the buildings on the appeal site, some excavation and the construction of a contemporary designed, flat-roofed, L-shaped dwelling. The building would have a lantern rooflight over the stairwell with a green roof and three bedrooms at first floor level. It would be positioned at an angle to Westwood Park creating small garden areas to the front, side and rear.
10. The proposed dwelling would have a manifestly different function to the original garages, and would be squeezed in between the much more substantial properties on Canonbie Road and Ringmore Rise.
11. Furthermore, the contemporary design and limited scale and massing of the proposed dwelling would be inconsistent with its neighbours, and other dwellings in the immediate vicinity. The visually awkward positioning of the building relative to the street would also be incongruous and overall the effect of the proposal would be detrimental to the traditional style and rhythm of this residential area.
12. I note the planning history of the site including the references to appeal decisions by both the appellant¹ and interested parties², and to approvals by the Council³. I am not fully familiar with these proposals and from the evidence there seem to be some significant differences between the appeal proposal and these schemes. The Garden Room approval retains the garage function, amongst other things, for example. In any event each proposal should be considered on its individual merits, which is what I have done in this case.
13. For these reasons, the proposed development would adversely affect the character and appearance of the area. It would, therefore, conflict with Policies D3 (optimising site capacity through the design-led approach) and D4 (delivering good design) of the Spatial Development Strategy for Greater London 2021; with Policy 15 (high quality design for Lewisham) of the Core Strategy 2011; with DM Policies 30 (urban design and local character), 32 (housing design, layout and space standards) and 33 (development on infill sites, backland sites, back gardens and amenity areas) of the Development Management Local Plan 2014 and with the Lewisham Small Sites Design Guide SPD 2021, and with the National Planning Policy Framework December 2023.

Other Matters

14. I note the proposal would add to the housing stock of the area and there would be further benefits associated with the construction and occupation of the proposed dwelling. However, these would be limited benefits and would not

¹ Ref. 3143517 and 3146684

² Ref. 2220833

³ LPA Ref. DC/13/84416

outweigh the substantial harm to the character and appearance of the area I have identified, as set out above.

15. The rear elevation of the proposed dwelling is angled towards the rear elevation of No 60. The windows of bedroom 2 would allow views towards the rear elevation of No 60 and of the rear garden of No 60, including within 10 metres of the rear elevation.
16. Were the proposal otherwise acceptable I would have sought the views of the parties on this matter and its effect on the living conditions of the occupiers of No 60 Canonbie Road, with particular regard to privacy. This would have included consideration of the guidance contained in the Small Sites Design Guide⁴ SPD and of Policy DM33.
17. However, as I am dismissing this appeal for other reasons, there is no need for me to do so in this case.

Conclusion

18. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin
INSPECTOR

⁴ Paragraph 27.4.3