



Appeal Decision

Site visit made on 25 August 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/C5690/W/25/3367031

7 St Norbert Road, Lewisham, London SE4 2EY

- 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 Guo Wu against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/137222.
 - The development proposed is the demolition of existing buildings on the site of 7 St Norbert Road SE4 2EY and construction of three storey building to provide 3 x 1-bed residential flats with cycle storage, amenity space, and refuse space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Lewisham Local Plan (2025) (the LLP) after the planning application was determined. The LLP now forms part of the development plan and has replaced the Lewisham Local Development Framework Core Strategy (2011) (the CS) and the Lewisham Local Development Framework Development Management Local Plan (2014) (the DMLP). As a result, the policies from the CS and the DMLP referenced in the reasons for refusal have been superseded. The Council has produced a table which lists the policies cited in the reasons for refusal and their newly adopted equivalents from the LLP and the appellant has had the opportunity to comment on this as part of the appeal. I have therefore determined this appeal against these policies and the relevant London Plan policies as listed in the reasons for refusal.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area;
 - whether the development would provide acceptable living conditions for future occupants with particular regard to the provision of private amenity space and privacy;
 - the effect of the development on protected species, with particular regard to bats;
 - whether the development would make adequate provision for refuse bin storage; and
 - whether the development would make adequate provision for sustainable travel.

Reasons

Character and appearance

4. The appeal site (No 7) relates to a two-storey end of terrace building which has a hot food takeaway at ground floor and a residential unit above. The adjoining terraced row has a relatively uniform, traditional appearance with a regular roof scape and consistent architectural features such as bay windows, decorative brickwork and chimney stacks. In contrast, the appeal site is flat roofed, painted white and contains a more modern shopfront. Despite its contrasting appearance, the scale and massing of No 7 respects the proportions of the terrace and assists in providing visual separation and a sense of spaciousness between it and the adjacent three-storey, modern block of flats located on the corner of St Norbert Road and Meadows Way.
5. The appeal scheme proposes a three-storey flat roofed building that would fill most of the gap between the terrace and the neighbouring block of flats. The building would be constructed from brick, of a modern design, with very limited architectural detailing and would fail to take any design reference from the terrace it would adjoin. The scale and massing of the building would also contrast with the modest proportions of the terrace. Whilst the height of the building would only marginally exceed the terrace's ridge height, the flat roof form at second floor would result in significant bulk and massing projecting above the terrace's eaves which would directly contrast with its roof design and proportions. This, coupled with the limited design features, would result in a dominating, incongruous form of development that would detract from the appearance of the adjoining terrace and the wider street scene. Whilst further details of how the junction between the appeal building and the adjoining terrace would be treated could be secured by condition, this would not address the issue relating to the overall bulk and massing of the building.
6. I note the design includes brick bands at each floor, contrasting window surrounds, and use of a high-quality brick which could be secured by condition. However, this would do little to assist in reducing the bulk and massing of the building, particularly at roof level, which would dominate the adjoining terrace. Moreover, the style and arrangement of the fenestration would fail to relate well to surrounding development and would further draw attention to the contrasting design and scale of the building, collectively resulting in an incongruous and uncharacteristic form of development. I note the appellant's contention that the site is in a transitional location and the design would reflect a modern style of architecture as a clear distinction from the adjacent terrace. However, nevertheless, the design fails to take cues from the scale, proportions and detailing of the terrace and as a result, would appear as a dominating and unsympathetic development in the street scene.
7. I note that the neighbouring block of flats is overtly modern, of a larger scale than the appeal building and is relatively simplistic in design. However, it is part of a much larger building that wraps around the corner of Meadows Way and is read in a different context to the appeal site and the more modest proportions of the terraced row. Whilst the existing block of flats is of a contrasting style to the terrace, the detached visual separation between the two buildings by the appeal site assists in retaining the distinction between the two styles and scales of buildings. This would be eroded by the appeal scheme and result in an unsympathetic and dominating addition, to the detriment of the character and appearance of the area.

8. For the above reasons, I therefore conclude that the development would result in harm to the character and appearance of the surrounding area. This is contrary to Policies QD1 and QD10 of the LLP and Policy D3 of the London Plan (2021) which together and amongst other things seek high-quality design that responds positively to the site context and local distinctiveness, including the proportions of development in the surrounding area and architectural styles and detailing that contributes to local character to ensure sensitive integration.
9. The Council has referred to Policies QD2 and QD8 of the LLP and Policy D4 of the London Plan, however, these policies are not determinative in my consideration of this main issue given they do not relate to ensuring good quality design in the context of how it relates to the character and appearance of the area. Whilst Policy D4 of the London Plan refers to delivering good design, this relates to the processes, actions and techniques to be adopted during the design evolution of the scheme and thus is not directly applicable to this main issue.

Living conditions

10. Policy QD8 of the LLP states that proposals for housing must meet, and wherever possible seek to exceed, the housing standards set out in the London Plan. This includes providing the minimum space standards for private outdoor space. Policy D6 of the London Plan requires the provision of a minimum of 5 square metres (sqm) of private outdoor space per one or two person dwelling which must achieve the minimum depth and width of 1.5m.
11. The plans show that Flats 2 and 3 would be provided with approximately 3.3sqm balconies as their only private external space which falls well short of the policy requirement. This would fail to provide future occupiers with adequate private amenity space where they could sit, relax and dry clothes, for example. The fact that the balconies would be well-designed with adequate outlook and daylight does not negate the need to meet the minimum standards set out in Policy D6 or overcome the harm that would arise from the shortfall.
12. Turning to privacy, at the time of my visit, both the pavement and St Norbert Road were generally highly trafficked, and I observed that the site was in relatively close proximity to a school, commercial premises and a junction. The bedroom and kitchen windows serving Flat 1 on the ground floor would face directly on to the pavement with no defensible space. This would mean that these habitable room windows would be fully accessible to being viewed into by passers-by. I note the appellant states there are no policies that prohibit street-facing windows; however, the proposed arrangement would provide unacceptable levels of privacy for future occupiers of this flat and this is not justified by the fact that the site is within an urban environment.
13. The appellant suggests a condition could be imposed to require landscaping or architectural detailing to be incorporated to provide a defensible space and privacy to these windows. However, given the site is tightly constrained, this would rely on land outside of the appeal site on the pavement. Such an installation would also be in close proximity to the windows and thus could adversely affect the outlook from these rooms, potentially resulting in an oppressive environment for future occupiers. These rooms would not be served by any other windows to compensate for any impact on outlook. I am therefore unable to be certain that a solution would be achievable, that it would negate the harm that I have identified or not cause further harm to the living conditions of the residents of Flat 1 in respect of outlook and light.

14. I therefore conclude that the development would fail to provide acceptable living conditions for future occupants with particular regard to the provision of private amenity space and privacy. This is contrary to Policies QD1 and QD8 of the LLP and Policy D6 of the London Plan insofar as they support high quality housing with adequate privacy and outside space, seek to ensure buildings are comfortable and welcoming and that developments protect the amenity of future occupants.
15. The Council has referred to Policy QD2 of the LLP, however, as this does not relate to living conditions with regard to privacy or private amenity space it is not determinative in my consideration of this main issue.

Protected species

16. The appeal scheme would result in the demolition of a building which the Council states is near to the Forest Hill to New Cross Gate Metropolitan Site of Importance for Nature Conservation (SINC) and Nunhead Cutting SINC, both of which are green corridors for wildlife, including bats. On this basis the Council considers there is a reasonable likelihood of protected species such as bats being present on the site. On the basis of the information before me there is a reasonable prospect that bats may use the site, particularly given its proximity to the SINC. The demolition of the building could therefore have an adverse effect on bats.
17. The application was not supported by any Preliminary Ecological Assessment or survey relating to protected species. The appellant states that no evidence of protected species has been presented and the lack of a Preliminary Roost Assessment could have been dealt with by condition. However, given the site context and in the absence of any substantive evidence, the presence or otherwise of protected species on the site is not known. Subsequently it is not possible to define the extent to which protected species may be affected by the proposal.
18. The appellant has suggested that this matter could be dealt with by condition. However, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. A condition for ecological survey works should not be imposed other than in exceptional circumstances and I have not been presented with, nor have I identified any exceptional circumstances which would justify conditioning such survey works in this instance.
19. The National Planning Policy Framework (the Framework) sets out that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Based on the evidence before me, I cannot be satisfied that significant harm to biodiversity, specifically bats which are a protected species, would not occur.
20. For the above reasons, I conclude that the appellant has failed to demonstrate that the development would not have an adverse effect on protected species, with particular regard to bats. This is contrary to Policy GR3 of the LLP and Policy G6 of the London Plan (2021) which together and amongst other things seek to promote and secure the protection of species and for development proposals to manage impacts on biodiversity, informed by the best available ecological information and addressed from the start of the development process.

Refuse bin storage

21. Policy SD13 of the LLP states that development must be designed to ensure adequate on-site provision for the sorting of recyclable material, composting of organic material and the disposal of general waste during the occupation stage. The policy goes on to state that flats must make provision for sensitively designed waste storage and collection systems which avoid the use of ground floor internal waste storage where this may adversely impact on the amenity of the buildings occupiers. Standard 23 of the Mayor of London Housing Supplementary Planning Guidance (2016) also states that storage facilities for waste and recycling containers should meet at least the British Standard BS5906:2005 Code of Practice for waste management in Buildings.
22. The application form states that every unit would have dedicated internal and external storage space for dry recycling, food waste and residual waste. Whilst temporary internal storage for such refuse could be accommodated within the kitchens of each flat, as external space is very limited it is unclear from the plans where such external space would be accommodated. However, the plans show space for three refuse bins to be stored in the entrance lobby/stairwell serving Flats 2 and 3.
23. The Council has not sought to quantify the level of refuse storage they consider would be required to serve the development; however, the appellant considers the Council's concerns relating to the quantum and location of refuse storage is resolvable by condition. From the plans, the development would fail to make provision for sensitively designed waste storage and collection systems at each floor and would rely on a communal waste storage area that would be poorly sited.
24. The entrance lobby would be relatively small and would be restricted further with any additional recycling or food waste bins that would be necessary to serve the development. Whilst this has the potential to cause obstructions and hazards, future occupiers of Flats 2 and 3 would also have to pass by the sole refuse storage area for the three flats to enter and exit their properties which would have an adverse impact on their amenity through adverse odours. Refuse storage in this area would also be inconveniently located for occupiers of Flat 1 who would have to exit and re-enter a separate part of the building to dispose of their waste.
25. Whilst final details for matters such as refuse storage can often be secured via condition, for such a condition to be acceptable it has to be feasible that there is a solution or capacity within the site in the first place. In this case, there would be very little space within the development where individual refuse and recycling receptacles could be stored without relying on the entrance lobby and I have found that this would not result in an acceptable solution.
26. I therefore conclude that the development would fail to make adequate provision for refuse bin storage. This is contrary to Policies SD12 and SD13 of the LLP insofar as they seek to ensure waste is suitably managed in a way which protect human health and that developments are designed to ensure adequate on-site provision of refuse facilities that are safe, convenient, well sited and designed to avoid adverse impacts on the amenity of building occupiers.

Sustainable travel

27. Policy T5 of the London Plan relates to cycling and sets out minimum standards for developments which requires 1 cycle space per 1-person 1-bed dwelling and 1.5 spaces per 2-person 1-bed dwelling. This policy and Policy TR4 of the LLP state that

cycle parking should be designed and laid out in accordance with the guidance contained in the Transport for London (TfL) London Cycling Design Standards (2014) (the TfL Guidance) so that they are high quality and fit for purpose.

28. The plans indicate that each flat would be provided with two cycle spaces per unit. Flat 1 would have cycle storage space in the rear patio and Flats 2 and 3 would have cycle storage space on the respective stairwells. This is contrary to the TfL Guidance which states that cycle parking should be designed to be close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways and tight corners. Flat 1 would have to take their cycles through the building, navigating multiple doors and corridors and Flats 2 and 3 would have to navigate a constrained and angled stairway. This would be inconvenient and poorly located and would consequently fail to encourage sustainable travel by cycling.
29. While the appellant suggests that suitable cycle storage could be secured by condition, I have not been directed to an alternative location within the site where secure cycle storage could be accommodated. Based on the floor plans I cannot identify an alternative location that would be suitable either. Therefore, imposing a condition would not address the harm I have identified.
30. For the above reasons, I therefore conclude the development would fail to make adequate provision for sustainable travel. This is contrary to Policies TR1 and TR4 of the LLP and Policy T5 of the London Plan which together and amongst other things, seek to ensure proposals make provision for high quality and fit for purpose cycle parking and encourage and enable movement by cycling.

Other matters

31. The accompanying Biodiversity Net Gain (BNG) statement explains that the site does not contain any habitat and has a biodiversity baseline unit of zero. With the installation of 'pervious pavers' the statement explains the proposal would result in a +0.0031 net change in biodiversity. However, the Council's Ecological Regeneration Manager explains that the sustainable drainage system cannot be considered as contributing towards achieving a net gain for biodiversity. Nevertheless, the Council considers the site to be subject to the de minimis exemption for BNG which the appellant has not disputed. Even if the proposal were to result in a BNG as described in the statement, this would be very minor and would carry only very limited weight in favour of the development.
32. The appellant also contends that the proposal would provide a family sized dwelling, however, the proposal is for three one-bed flats. I also note that no adverse effects have been identified in relation to the living conditions of existing occupiers. However, this weighs neither for nor against the proposal. The proposal would also result in the removal of a hot food takeaway from the site. However, there is no substantive evidence before me that this currently results in any harm and therefore does not weigh in favour of the development either.

Planning Balance

33. I have found that the appeal scheme would result in harm to the character and appearance of the surrounding area, would fail to provide acceptable living conditions for future occupants or make adequate provision for refuse bin storage or sustainable travel and would have a potentially harmful effect on protected species, contrary to the abovementioned policies of the LLP and the London Plan. This is sufficient to bring the

development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.

34. The Council concedes that it has failed to satisfy the Housing Delivery Test with housing completions at 32% of its target and therefore paragraph 11(d) of the Framework is engaged. Which in this case means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.
35. The development would result in harm to the character and appearance of the surrounding area, would not provide acceptable living conditions for future occupants, would fail to make adequate provision for refuse bin storage or sustainable travel and would have a potentially harmful effect on protected species. This is contrary to the Framework, which seeks high-quality design, expects a high standard of amenity to be achieved for future users, prioritisation of sustainable transport modes and the protection of protected species. Consequently, this attracts substantial weight.
36. The scheme would provide a net addition of two flats in a location close to services, facilities and public transport. As a small-site, it could be built-out reasonably quickly and social and economic benefits would arise during construction and after occupation. The redevelopment of this previously developed land for housing would make an effective use of land in meeting the need for homes which attracts substantial weight in accordance with the Framework. However, with a net addition of two dwellings, any social, economic or environmental benefits associated with the development would be relatively limited, even taking account of the objective of significantly boosting the supply of housing in the Framework and the Council's housing land supply position.
37. Therefore, in the specific circumstances of this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

38. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Accordingly, the appeal should be dismissed.

H Whitfield

INSPECTOR