

LE/893/A/TP

COUNCIL OF THE LONDON BOROUGH OF LEWISHAM

APPEAL

by

DAVIS ESTATES LIMITED

Inspector: S. R. H. King, Dip.T.P.(London), A.M.T.P.I., A.R.I.B.A.

Date of Inquiry: 6th February 1969.

File No: APP/4424/A/29462.

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Whitehall,

London, S.W.1.

21 February 1969

To The Right Honourable Anthony Greenwood, M.P.,
Minister of Housing and Local Government.

Sir,

I have the honour to report that on the 6th February 1969 I held an inquiry (in the place of Mr. W. H. Fennell) at the Town Hall, Deptford, S.E. into an appeal by Davis Estates Limited under section 23 of the Town and Country Planning Act 1962, against the refusal of the London Borough of Lewisham Council, to permit 14 three-storey houses with integral garages and 69 flats with 69 garages at the Sports Ground, Ravensbourne Park Sports Club, Ravensbourne Park Crescent, S.E.6.

1. The Reasons for Refusal are:-

- (i) The proposed use of the land for residential purposes does not accord with the allocation of the site for private open space purposes in the Initial Development Plan, and the Development Plan expressly provides that existing public and private open space should not be developed for other purposes.
- (ii) No provision is made in the scheme for the improvement of Ravensbourne Park Crescent.
- (iii) No provision is made within the scheme for the parking of visitors' cars.
- (iv) Insufficient provision is made for the retention of the existing trees on the site.

2. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry and my findings of fact, conclusions and recommendation. Lists of appearances, documents and plans are attached.

SITE AND SURROUNDINGS (Plan A)

3. The site is in a residential area and is about half a mile west of Lewisham Town Hall. Catford and Catford Bridge railway stations are both within a quarter of a mile to the south-east of the appeal site.

4. The site has an area of about 3.5 acres and is roughly quadrant shaped. It has a frontage to the west side of Ravensbourne Park, a public highway, and a long frontage to Ravensbourne Park Crescent, which as its name suggests forms a crescent springing from the west side of Ravensbourne Park. The southern part of the crescent is a public highway but the northern part is both unmade and unadopted.

5. The north-east part of the appeal site contains the grounds of the Quadrant Tennis Club which has four hard tennis courts and a timber and asbestos club house about 40 years old. In the western part of the site is an area of garden land with a greenhouse, a garage and the site of a building recently destroyed by fire. The rest of the site is apparently unused and neglected. The site falls from west to east, the lower part of it being terraced. There is a number of mature trees on the

site as shown on Plan B. The site is adjoined on the south by an area of undeveloped land of about 2 acres, owned by the borough council.

THE CASE FOR THE APPELLANTS

The material points were:-

6. They were the potential purchasers of the site.
7. The residential development around the site included semi-detached houses and blocks of flats.
8. The site was physically suitable for residential development and was conveniently served by public transport. Vehicular access to the site would be from Ravensbourne Park Crescent. Many of the mature trees on the site could be preserved and would add to the attractiveness of the layout of the site.
9. There was a strong need for the provision of dwellings in the greater London area.
10. The whole of the land enclosed by the crescent had at times been used for sports ground purposes but today such use was confined to the four hard tennis courts which occupied only about 0.8 acres of the 3.3 acres site. There was no shortage of open space in this part of Lewisham and alternative facilities were available or could be made available (Plan C).
11. The permitted residential density for this area was 70 persons an acre and this could easily be achieved on the appeal site.
12. The council had now changed its mind about the loss of open space and were now willing to allow the residential development of the site, and the Greater London Council had no observations to make regarding the loss of open space.
13. As regards the second reason for refusal the appellants were prepared to accept a condition that Ravensbourne Park Crescent should be improved to provide adequate access to serve the proposed development.
14. The third reason for refusal (parking of visitors cars) was a matter of detailed layout and could be left until detailed plans were submitted.
15. The fourth reason for refusal (preservation of trees on the site) was also a matter for future attention when the detailed plans were prepared. Most of the mature trees were near the boundaries of the site and therefore there should be no great difficulty in securing the retention of most of them.
16. It was understandable that most of the owner/occupiers of properties overlooking the site would prefer to see it left open. Many of the existing trees could be retained and it was doubtful if the values of the adjoining properties would be depreciated if the site was developed as was now proposed.
17. Paragraph 16 of the council's Rule 6 statement specified the council's four criteria for the development of the site and all these were acceptable to the appellants. Outline permission could therefore be given subject to the usual outline condition and another to safeguard the improvement of the crescent.
18. The submitted plan (Plan D) was only a sketch to illustrate how the site could be developed and the day before the inquiry the appellants submitted three

alternative layouts (Plans E, F and G) to the council. These three later plans were based on the factual survey of the site whereas Plan D was not. Plans E, F and G preserved most of the mature trees on the site and were roughly based on a density of 70 persons an acre.

19. Plan E showed 21 three storey houses with integral garages and two six storey blocks each of 24 two bedroomed flats and six one roomed flats. The layout was also based on the actual levels of the site. Plan F showed the same accommodation but Plan G showed 90 flats, of which 12 were one bedroom and the rest (78) were two bedroom flats. The two six storey blocks were in the same position as in Plans E and F, and had car parking space under them thus taking advantage of the natural levels of the site. The three storey flats in Plan G gave a more open aspect to the layout.

20. The Quadrant Tennis Club had only a weekly tenancy of the site from the freeholders who were the Ravensbourne Park Sports Company Limited.

THE CASE FOR THE COUNCIL

The material points were:-

21. Permission was refused for four reasons. First, that the proposal did not accord with the allocation of the site for private open space purposes in the initial development plan and the plan expressly provided that existing public and private open space should not be developed for other purposes. Secondly, that no provision was made for the improvement of Ravensbourne Park Crescent. Thirdly, that no provision was made for the parking of visitors' cars. Fourthly, that insufficient provision was made for the retention of the existing trees on the site.

22. On the 30th April 1968 the appellants wrote to say there was room for discussion on how the site could be developed. They considered that a pleasant layout in a landscaped area would form an attractive feature in this area and they submitted sketch schemes to show how the layout could merge with the open area to the south.

23. On the 11th June 1968 the planning committee reconsidered the proposal and resolved that the residential development of the site could be accepted in principle. In coming to this decision the committee took into consideration not only the points raised by the appellants but also the position relating to the provision of public open space in the borough in those parts where there was a more serious local deficiency.

24. As a guide to the development of the site the committee considered it essential to preserve the open aspect of the whole island site. It would also be necessary to preserve as many of the mature trees on the site as possible. The committee would not accept tall blocks on the site and any development should not exceed six storeys and that the zoned density of 70 persons an acre should not dictate the form of development here and that it was more important that the other criteria mentioned above should be observed.

25. The council agreed with the appellants that there was no shortage of open space in the immediate vicinity of the site and that there was a demand for residential development in the borough. The council also accepted that the necessary widening of Ravensbourne Park Crescent could easily be provided for by adjustment of the layout plan. Similarly the provision of visitors' carspaces could be made by adjustments of the layout plan.

26. Although the appellants had shown the councils' officers some layout plans on which there was a fair measure of agreement, as yet no scheme had been submitted which the committee could be recommended to approve.

27. The sixth ground of appeal was that the proposal would harmonise with the developing character of the immediate locality and would accord with the principles of good planning, but the council were not able to comment on this ground until a final scheme was submitted.
28. Plans E, F and G approached the type of layout that the council could approve but the so-called six storey blocks were really seven storeys high because they had a ground level parking area under them. Their height should therefore be reduced by one storey.
29. The councils' officers had not advised the appellants to submit a new application in outline.
30. If the Minister were to grant permission in outline then the permission should safeguard the open nature of the island site, the height of the development, the improvement line of Ravensbourne Park Crescent and the preservation of as many mature trees as possible. In addition the normal conditions attached to an outline application should be applied.
31. Document 4 was a letter from the Greater London Council stating that it was doubtful if the loss of this open space was of strategic importance and in the circumstances the council had no official observations to offer in this matter.
32. In 1957, the Minister, on appeal, upheld the decision of the then London County Council to refuse permission for residential development of land forming part of the area adjoining the south side of the present appeal site on the grounds that the land was zoned for private open space purposes (Reference 676/40620/3130).

THE CASES FOR INTERESTED PERSONS

33. The material points were:-

- (A) Mr. E. J. R. Hill, solicitor, represented about 100 local persons who objected to the appellants' proposal for the reasons that it was contrary to the zoning as private open space in the initial development plan, the proposal would depreciate the values of their properties and would be detrimental to the amenities of the area. The traffic generated by the proposal would overload the adjoining streets and cause unnecessary hazards. The Quadrant Tennis Club was a thriving and popular club making full use of the tennis courts especially at week-ends. Badminton and table tennis were also played in the clubhouse which had been erected by members in 1935. He submitted a petition signed by 104 local residents objecting to the appellant's proposal. No-one in the tennis club had received a notice of the inquiry so their representations were not organised as well as they would have liked. They submitted Documents 6(vi) and 6(xii) in their support. This open space had been there for hundreds of years and was reputed to have been an old plague burial site.
- (B) Mr. L. M. Minty, a local resident, objected to the proposal because it would facilitate the development of the whole island site thereby depreciating the value of his house. There were private covenants restricting development in this area.

FINDINGS OF FACT

34. I find the following facts:-

- (i) In the initial development plan the site is zoned as private open space.

- (ii) The site is in a residential area with a permitted density of 70 persons an acre.
- (iii) The site has an area of about 3.3 acres and is roughly quadrant shaped; it is bounded on the east by Ravensbourne Park and on the north and west by Ravensbourne Park Crescent. This part of the crescent is unmade and unadopted.
- (iv) On the north-east part of the site are four hard tennis courts and a timber and asbestos club building. In the western part of the site is an area of garden land with a greenhouse and garage and the site of a building recently destroyed by fire. The rest of the site is unused and neglected.
- (v) Permission to develop the site with 14 houses and 69 flats and garages is refused for four reasons. First, that the proposal does not accord with the allocation of the site for private open space use in the initial development plan which expressly provides that existing public and private open spaces should not be developed for other purposes. Secondly, that no provision is made for the improvement of Ravensbourne Park Crescent. Thirdly, no provision is made for the parking of visitor's cars. Fourthly, that insufficient attention is made for the retention of existing trees on the site.
- (vi) The council is now prepared to permit the residential development of this site
- (vii) The application is in outline and is accompanied by a sketch layout (Plan D) to indicate the main lines of the proposal. This plan is not based on an accurate site survey.
- (viii) The appellants now submit three sketch layouts, Plans E, F and G, showing the development of the site at 70 persons an acre, in substitution for Plan D. These layouts are based on a factual survey of the site showing the existing mature trees.
- (ix) Plan E shows 21 three storey houses with integral garages and two six storey blocks each of 24 two-bedroom flats and six one roomed flats. Plan F shows the same accommodation. Plan G shows twelve one room flats and 78 two bedroom flats.
- (x) Local residents are strongly opposed to the appellants' proposal.

CONCLUSIONS

|| Bearing in mind the above findings of fact I am of the opinion that:-

- (a) As the council are now prepared to allow the residential use of the site there is no reason for refusing to permit the proposal in outline. Permission should therefore be granted subject to the normal condition regarding siting, accesses and appearances of the buildings. If such a permission had been issued by the council, then this appeal would have been avoided.
- (b) I have considered the representations of objecting local residents but consider that the amenities of the area would not suffer if this land were developed and that the local roads are capable of absorbing the traffic which would be likely to be generated.

RECOMMENDATION

36. I recommend that the appeal be allowed and permission in outline be granted subject to the condition that the density of the proposal, the siting of the build-

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ings and their accesses and car parking arrangements and the design of the buildings shall be as may be agreed with the council, or in default of such agreement as shall be determined by the Minister on appeal.

I have the honour to be,
Sir,
Your obedient Servant,

S. R. H. KING



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APPEARANCES

FOR THE APPELLANTS

Mr. R. Bell,

- Queen's Counsel, instructed by
A. Bradley, Solicitor,
350 Kilburn High Road, N.W.6.

He called:

(1) Mr. W. E. Stein Kamp
A.F.S.

- Architectural Surveyor to the
appellants.

(2) Mr. M. St. J. Hopper,
F.R.I.C.S.

- Surveyor to the appellants.

FOR THE PLANNING AUTHORITY

Miss E. M. Neville,

- Chief Assistant Solicitor to the
council.

She called:

Mr. D. Armstrong,

- Assistant Planning Officer to the
council.

INTERESTED PERSONS

(1) Mr. E. J. R. Hill,

- Messrs. Walker, Martineau and Company,
Solicitors, Grays Inn, W.C.1.

He called:

(i) Mr. M. Moore,

(ii) Mr. A. Martin,

(iii) Mr. G. E. S. Daters,

- Local residents.

(2) Mr. L. M. Minty,

- 48 Ravensbourne Park, S.E.6.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

Document 2 - Petition in support of the council signed by about 104 persons.

Document 3 - Copy of Notice of the Inquiry and list of persons notified.

Document 4 - Copy of a letter dated 31st January 1968 from the Greater London
Council.

Document 5 - Copies of two letters about this inquiry.

Document 6 - Twelve letters in support of the council.

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PLANS

- Plan A - Plan of the appeal site.
- Plan B - Survey of the trees and buildings on the site.
- Plan C - Location of open spaces in the vicinity.
- Plan D - Submitted sketch layout of the site.
- Plan E)
- Plan F) - Sketch layouts submitted at the inquiry.
- Plan G)

