



Appeal Decision

Site visit made on 15 January 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 February 2019

Appeal Ref: APP/C5690/W/18/3196082

123 Woodelm Court, Devonshire Road, London, SE23 3LX

- 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 Mrs Helen Dennis against the decision of London Borough of Lewisham.
 - The application Ref DC/17/104524, dated 13 November 2017, was refused by notice dated 8 February 2018.
 - The development proposed is the erection of two storeys to provide 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storeys to provide 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift at 123 Woodelm Court, Devonshire Road, London, SE23 3LX in accordance with the terms of the application, Ref DC/17/104524, dated 13 November 2017, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the wider area, including the adjacent Forest Hill Conservation Area.

Reasons

3. The appeal property comprises of a purpose built block of flatted accommodation which is 3-storeys high. Dating from c1970 it is brick built, with horizontal windows, projecting balconies and a flat roof and currently accommodates 7 residential units with integral garaging to the rear.
4. The site is located on a corner plot on the western side of Devonshire Road and the southern corner of Ewelme Road. A number of mature trees are located within the site along the boundaries with these roads and the property is situated in open grounds which are grassed. The ground rises to the rear of the site. To the side and rear of the site are also 20th Century modern flatted accommodation blocks, 3 and 4 storey in height, also set in open grounds.
5. The wider area comprises of Victorian dwellings, terraced and semi-detached, which are 3-4 storeys in height with some units having basement level

accommodation and/or accommodation within the roof. These properties fall within the Forest Hill Conservation Area (CA).

6. The proposals would entail the addition of 2 further floors to the appeal property in order to create 5 additional 2-bedroom flats. The new 4th floor would follow the existing footprint of No 128 while the new 5th floor would be stepped in on all sides, creating a terrace with glazed balcony and there would be a small overhang to the proposed flat roof. The proposed extension would have a contemporary design, utilising grey and brown cladding to the external walls.
7. The proposed development would create a 5-storey block, and developments in the area typically extend across 4-storeys. However, from the submitted streetscene elevations and based upon my own site observations, due to the flat roofed nature of the host building, I consider that the overall height would be largely consistent with the height of other accommodation blocks and Victorian terraced dwellings surrounding the site. In particular the overall height would be compatible with the 4-storey mansion block to the south, and the 3-storey terrace to the north, or buildings at Belle Vue Court, opposite the site on Devonshire Road.
8. The appeal property is positioned forward of the general building line along Devonshire Road. However, in light of the open setting of the building and the boundary trees, I do not consider that the building is particularly prominent in the streetscene. I accept that the addition of an upwards extension would increase the visibility of the building, particularly when looking northwards along Devonshire Road, but I do not consider that this would increase its dominance to any great effect, in light of the prevailing characteristics and building heights within the area. Moreover, the set back of the top floor would help to reduce its overall massing and general bulk, even with a small overhang of the roof and thus I am satisfied that the development would not have a jarring and incongruous effect.
9. Concern is also raised regarding the design of the extension, particularly as the area is typically characterised by brick buildings of both traditional and modern design. The use of coloured cladding panels for the external walls is not commonplace in the area, however, in combination with the wider plans to rejuvenate the external appearance of the building, I am satisfied that the development would read as a cohesive structure. I do not consider that the use of cladding would be inappropriate on a c1970's building, nor in the wider area as to justify refusal and I am mindful that the final colours of the panels could reasonably be dealt with by a materials condition.
10. In terms of fenestration, although all of the proposed windows would be full height, this would echo the rhythm and pattern of the existing fenestration and thus I find no harm in this regard.
11. The site is located adjacent to the Forest Hill CA which is characterised as a 19th Century residential suburb. The appeal property forms part of a later enclave of 20th Century flatted accommodation blocks which already has a markedly different character to the CA and makes a limited contribution to its setting.
12. The trees within the site also fall outside of the CA. While it may be regrettable if trees are to be felled, the imposition of a landscaping condition with

replacement tree planting as suggested by the appellant could remedy this. In light of my findings relating to the proposed development in terms of its scale and design and landscaping, I am satisfied that there would be no harm to the setting of the CA.

13. Overall I am satisfied that the proposals would be congruent with the general scale and character of the host building and wider development in the area. The development would accord with Policies 15 and 16 of the Lewisham Core Strategy which seek to secure high quality design which responds to local character and preserves the setting of heritage assets. The development would also accord with Policies DM30 and DM36 of the Lewisham Development Management Local Plan (2014) which sets out detailed design criteria and restricts development that development adjacent to a CA would have a negative impact on the significance of that area. The development would also accord with the design and heritage aims of the National Planning Policy Framework, as amended in 2018.

Other Matters

14. A number of other concerns have been raised by local residents, including impacts upon living conditions of neighbouring residents in respect of privacy, sunlight and daylight, and noise and disturbance.
15. The extension would be located between 19-21m away from adjacent dwellings and in this regard I consider that there would be no material loss of privacy or daylight and sunlight. While there is debate regarding the accuracy of neighbouring habitable windows as depicted on the plans, the plots are separated by a road and are a distance away in what is a built up urban area.
16. There is likely to be a general increase in comings and goings to the site within the car park and internally within the flatted block, but again these would be commensurate with day-to-day living and I do not consider that there would be a harmful effect from this. Construction effects would be temporary and could be adequately controlled by a condition for a construction management plan. Other matters in terms of structural issues would come under separate regulatory requirements.
17. The rights of local residents under the European Convention on Human Rights (as incorporated into UK law by the Human Rights Act 1998) must also be considered. Article 1 of the Convention concerns the protection of property and Article 8 deals with the right to respect for family life and the home. These are qualified rights, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
18. In light of the separation distances between neighbouring dwellings and the urban character of the area, I am satisfied that there would be no unacceptable violation of the rights of existing occupants of No 123 or any neighbours. The limited degree of interference that would be caused would be insufficient to give rise to a violation of rights under Articles 1 and 8.
19. Finally, the impact on property values has also been raised. It is, however, a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

20. I have had regard to the conditions as put forward by the Council, which the appellant has stated their agreement with.
21. Having regard to these conditions, I have imposed the standard time, and plans and documents conditions, in the interests of proper planning. As referenced above, I have imposed a condition for a construction management plan, in order to protect the living conditions of residents at the site and their neighbours.
22. I have also imposed conditions relating to materials and landscaping in order to protect the character and appearance of the area, including the adjacent Conservation Area. I have combined the Council's suggested landscaping conditions, for brevity.
23. Conditions relating to the detailed provision and implementation of refuse/recycling storage and cycle storage are necessary in order to protect the living conditions of residents as well as for highway safety reasons. Again, these are combined, for brevity.
24. Conditions 3-6 are pre-commencement conditions, however I have amended the wording slightly to make this explicit due to the nature of the proposed roof extension. These are necessary due to such details needing to be provided before work begins on-site.
25. Finally, I do not consider that a condition restricting the use of the roof to the extension as a balcony, garden area or amenity area and the creation of a roof access is necessary as such works would not be permitted development in any case. I have therefore omitted this.

Conclusion

26. For all the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

C Searson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

WODLM-E001, WODLM-E002, WODLM-E003, WODLM-E004,
WODLM-E201, WODLM-E202, WODLM-E203, WODLM-E204,
WODLM-L201, WODLM-LP201, WODLM-M201, WODLM-O201,
WODLM-O202, WODLM-CE201, WODLM-CE202, WODLM-D201,
WODLM-DV201, WODLM-DV202, WODLM-DV203, WODLM-P001,
WODLM-P002, WODLM-P003, WODLM-P004, WODLM-P201,
WODLM-P202, WODLM-P203, WODLM-P204, WODLM-P205,
WODLM-P206, WODLM-S001, WODLM-S201, WODLM-ST001,
WODLM-ST201, Planning, Design and Access Statement (dated
November 2017) received 14 November 2017

PBA Consulting BS5837 2012 Trees in Relation to Design,
Demolition and Construction, Tree Report Ref no. 6210 (dated
December 2017), Heritage Statement, Highways Note by
Waterman Infrastructure and Environment Limited (dated 29
November 2017) received 21 December 2017
- 3) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements.
- 4) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) a statement setting out the design objectives and how these will be delivered;
 - ii) means of enclosure and retaining structures;
 - iii) vehicle parking layouts;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials (including details of permeability);
 - vi) lighting, floodlighting and CCTV;
 - vii) details of any trees or hedges to be retained/replaced and proposed replacement planting, plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years.
 - viii) an implementation programme, including phasing of work where relevant. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 6) No development shall take place until details of the dedicated cycle storage facilities and the refuse / recycling storage facilities, including details of a refuse management plan, have been submitted to and approved in writing by the local planning authority. These shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.