
Appeal Decision

Site visit made on 19 April 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 May 2016

Appeal Ref: APP/C5690/W/15/3140514
14 Westwood Park, Lewisham, London SE23 3GB

- 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 Mr Matthew and Mrs Claire Rose against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/15/91285, dated 27 February 2015, was refused by notice dated 15 July 2015.
 - The development proposed is described as; *'demolition of existing house. Reconstruction of missing half of original Victorian semidetached villa with extensions and internal arrangement to provide 7 flats. External works and new boundary treatment to Westwood Park'*.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house. Reconstruction of missing half of original Victorian semidetached villa with extensions and internal arrangement to provide 7 flats. External works and new boundary treatment to Westwood Park at 14 Westwood Park, Lewisham, London SE23 3GB in accordance with the terms of the application, Ref DC/15/91285, dated 27 February 2015, subject to the conditions set out in Appendix A.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Forest Hill Conservation Area, and;
 - The effect of the proposed development on the living conditions of adjoining occupiers at Nos 12 and 16 Westwood Park, with specific regard to outlook and day/sun light.

Reasons

Character and appearance

3. The appeal site is located within a residential area of Lewisham, with the street scene and the wider Forest Hill Conservation Area, comprising a mixture of building styles and forms, with pre-, inter- and post-war buildings present. It is this mix of building styles, including the character and form of the 19th Century Victorian buildings in this part of the conservation area, which contributes towards its significance as a designated heritage asset. Currently

there is detached two storey house on the appeal site, which is a post-war addition to the street scene. The main parties agree that this is an odd and incongruent element in the street scene due to its form, style and height. Nos 12 and 16 Westwood Park, which adjoin either side of the site, date from the Victorian period. In particular, No 16 is detached, albeit as a result of the destruction of No 14 during the Second World War. The appeal scheme seeks the erection of a semi-detached building, which seeks to replicate that which stood on the site before the Second World War.

4. The Council is concerned over the use of brick slips and the detailing to the front elevation in replicating the existing door and window alignment and proportions at No 16. In terms of brick slips, these typically involve part brick slips (roughly one half to one third of full brick thickness) that slide into a tray frame with pointing and mortar added afterwards. The approach could be likened to a modern version of 'mathematical tiling', which is not uncommon on older buildings in Kent and Sussex. Aesthetically, this results in the appearance of a brick built wall, which would be similar to that at Nos 16, 12 and 10 Westwood Park. The other materials proposed would include slate for the roof, and hardwood doors and sliding sashes windows. These are materials that would be broadly in-keeping with those used at the adjacent and adjoining properties.
5. The Council does not articulate clearly why the use of brick slips would be inappropriate in this location or for this scheme over the use of full bricks beyond offering unsubstantiated views on the quality and finish of brick slips. Details such as materials can be reasonably controlled by the use of planning conditions, as set out in Paragraph 206 of the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (the Guidance). Furthermore, it appears as though the Council has found brick slips acceptable before within conservation areas, albeit for different schemes, which suggests that brick slips can be part of a design solution if acceptable in visual appearance and finish. Given that the slips could be reasonably controlled by condition to provide visual conformity with No 16 Westwood Park, I do not find that the use of brick slips would be materially harmful in this instance.
6. In terms of the replication of the door and window alignment, a majority of the front elevation would replicate that at No 16. There are some variations, for example the French, or longer style, window in the bay at No 16 is not replicated in the proposal scheme. However, this is a result of needing to achieve current building regulations or planning standards. For example, an internal ceiling height of 2.5 metres is a requirement of the London Housing SPG. Whilst the Council is right in principle to seek what might be an exact match of No 16, in practice this needs to be tempered by the fact the 'original' building from well over 100 years ago, was lost over half a century ago, and in the intervening period there have been many changes to building requirements. In the main, there is sufficient replication of the front elevation of Nos 16 and 12 on the proposed front elevation; for example features such as moulded quoins, brick and painted elements, window surrounds, that to most observers the proposed development would appear as a faithful replication of what may have stood on the appeal site before its loss 70 or so years ago.
7. As a result of my findings on the detailing, materials and overall form in relation to design matters, the proposal would not result in any harm, whether substantial or less than substantial, to the significance of the Forest Hill

Conservation Area as a whole. Moreover, for similar reasons, and in accordance with Section 72(1) of the Planning (Listed buildings and conservation areas) Act 1990, as amended (PLBCA), I find that in paying special attention to the conservation area, the proposal would, at the very least, enhance the character and appearance of the Forest Hill Conservation Area through the replacement of an incongruent mid 20th Century two storey house with a relatively faithful modern reconstruction of No 14.

8. I therefore conclude that the proposed development would enhance the character and appearance of the Forest Hill Conservation Area. As such, it would accord with Core Strategy Policy 16 of the Core Strategy 2011 (CS), Policies DM30 and DM36 of the Development Management Local Plan 2014 (DMLP), and Policies 3.4 and 7.8 of the London Plan 2015, which, amongst other aims, seek to ensure that all development proposals attain a high standard of design and that heritage assets such as conservation areas will continue to be monitored, reviewed, enhanced and conserved. It would also accord with the Policies of the Framework, which include conserving heritage assets in a manner appropriate to their significance.

Living conditions

9. The appeal scheme would see the erection of a part two, part three and part four storey rear and side extensions. These would extend roughly 2.1 metres from the 'original' or main rear wall of the proposed building; that is on the side adjoining No 16. On the boundary with No 12, this element would project about 4.6 metres, with the maximum height of about 9.6 metres, reducing to a two storey form with dormer in the rear roof slope. Both the Council and neighbouring occupiers are concerned that proximity of the rear element to No 16 would result in an overbearing development.
10. However, the part of the rear extension closest to No 16 would only be roughly 2 metres in depth, and would then step away from the shared boundary a short distance before projecting to its full extent of about 4.6 metres. Furthermore, where the projection is deepest, it would also appear as a single storey when viewed from No 16. In this respect, the combination of the stepping away from the shared boundary with a lowering in ridge height, and the relatively small projection of just over 2 metres, means that in practice the potential of the extension appearing as overly dominant to the occupiers of No 16 would be mitigated.
11. In terms of No 12, the proposed building would be situated some distance from the flank wall, with a clear separation between the proposed building and the existing building at No 12. A majority of the proposed extensions at No 14 projecting beyond No 12 would appear as a low level, two storey building with pitched roof. This would mean that the principal view from the building and gardens at No 12 would be out towards the gardens and a two storey form at the appeal site, rather than the full four storey height. In practice, this would mean that occupiers at No 12 would not feel enclosed as suggested by the Council. Moreover, it would not result in an unacceptable loss of outlook from the rear windows or openings of either Nos 12 or 16.
12. In terms of sunlight and daylight, the Council has not submitted any detailed evidence to support its assertion that the proposal would result in a materially harmful loss of sunlight/daylight. The appeal site has a north-easterly facing garden. This means that the proposal would probably hinder some direct

sunlight at the middle of the day for properties to the north. However, due to the height and depth of the rear elements considered above, this is unlikely to a materially harmful loss of sunlight; with the building already losing this in the late morning owing to the solar path. No 12 to the south of the appeal site would, for obvious reasons, not see a loss of direct sunlight. For similar reasons, any loss of direct daylight is likely to be minimal, and not to a degree which would be unacceptably harmful to neighbouring occupiers.

13. I therefore conclude that the proposed development would not result in a materially harmful impact on the living conditions of neighbouring occupiers with regard to outlook and day/sun light. It would therefore accord with Policy DM32 of the DMLP, which, amongst other aims, seek to ensure that provide satisfactory level of privacy, outlook and natural lighting for both its future residents and its neighbours. It would also accord with the Policies of the Framework which include that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

14. Concerns have been raised by neighbours and a local amenity society. Some of these have already been covered earlier in this decision. Nonetheless, I consider these other matters raised before coming to an overall conclusion.
15. In terms of pressures on local schools and parking, I have not been provided with any detailed evidence that the area is subject to either unacceptable parking or school demands which the proposal would add to. Moreover, in terms of transport modes, the proposal would provide a parking space and also provision for cycle parking, which should act as an encouragement for future occupiers. I am reinforced in this view by the lack of formal objections from the local highways and education authorities. In terms of the development representing financial gain for the appellant, this is a private matter and does not alter the consideration of the planning merits of the appeal scheme. I do not, therefore, find that these other matters raised, whether considered individually or in combination, provide justification for dismissal of the appeal scheme.

Conditions

16. A number of conditions have been suggested by the Council. I have considered these in light of Paragraph 206 of the Framework and the Guidance in terms of the use of planning conditions.
17. A condition requiring the proposed development to be carried out in accordance with the submitted drawings is necessary to provide certainty and for the avoidance of doubt. Furthermore, a condition requiring the submission of drawings showing the front elevation of the lower ground floor is reasonable given that this element is not clearly shown on the submitted drawings. For similar reasons conditions requiring scaled drawings and details to be agreed are reasonable to ensure that the windows and doors and details of the brick slips are suitably detailed in order to enhance the character and appearance of the conservation area. Conditions requiring both soft and hard landscaping schemes are necessary to ensure that the area around the proposed building would be landscaped in a manner that preserves or enhances the conservation area.

18. The provision and retention of both the parking space and cycle spaces are necessary to ensure that adequate provision is made in accordance with the submitted parking survey details. The Guidance advises that conditions removing permitted development should be used in exceptional cases. No such case has been presented in this instance, and I do not consider that the use of a condition removing permitted development rights for windows or openings is justified as reasonable in this case. The submission of a Construction Method Statement (CMS), which could also include hours of operation including deliveries, would be reasonable given the residential context of the appeal site. Lastly, a condition requiring the submission of materials to be used would be necessary and reasonable to provide certainty and to preserve the character and appearance of the conservation area.

Overall Conclusion

19. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

Appendix A – List of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 26885 OS 1 1:1250 site location plan, 26885 P01A Amended lower ground floor plan, 26885 P02A Amended upper ground floor plan, 26885 P03A Amended first floor plan, 26885 P04A Amended second floor plan, 26885 P05A Amended third floor plan, 26885 P06 Proposed street elevation, 26885 P07B Amended rear elevation, 26885 P08A Amended side east elevation, 26885 P09A Amended section through side elevation, 26885 P10 Proposed return elevation and section through entrance, 26885 P11 Indicative construction detail, 26885 P13 Existing street elevation, 26885 P14 Existing rear garden elevation, 26885 P15 Existing side, party wall elevation, 26885 P16 Front garden detail proposal, 26885 P17 Perspective view Westwood Park, 26885 P20A Amended lower ground floor flat plan, 26885 P21A Amended upper ground floor flats plan, 26885 P22A Amended first floor flats plan, 26885 P23A Amended second floor flats plan, 26885 P24A Amended third floor flats plan.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
- 4) Notwithstanding condition 2, prior to the commencement of the development hereby permitted (including demolition or ground clearance works), elevations of the lower ground floor front elevation shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the submitted details.
- 5) No development shall take place (including demolition or ground clearance works) until detailed plans at a scale of no less than 1:5 showing horizontal sections of the windows and doors, including glazing bars, spacers, vertical section, window horn detail and joinery details, are submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the submitted details.
- 6) No development shall take place (including demolition or ground clearance works) until a methodology statement detailing the method of installation, finish, materials, and depth of the brick slips has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the submitted details.
- 7) The car parking provision shown on the submitted drawings shall be provided prior to first occupation of any part of the development hereby permitted. It shall thereafter be retained and made available at all times for the parking of vehicles for the occupiers of the three bedroom dwelling only and shall not be used for any other purposes.

- 8) The cycle parking provision shown on the submitted drawings shall be provided prior to the first occupation of any part of the development hereby permitted. It shall thereafter be retained and made available at all times for the storage and parking of cycles for the occupiers of the development and their visitors only and shall not be used for any other purposes.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors, and measures to deal with safe pedestrian movement;
 - ii) loading and unloading of plant and materials;
 - iii) full details of the number, times and type of vehicle trips to the site, with an intention and aim to reduce the impact of construction related activities;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities, including their location;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for the recycling or disposing of waste resulting from demolition and construction works;
 - ix) that no deliveries shall be made to or despatched from the site after 18:00 or before 08:00 Monday to Fridays, and before 08:00 and after 13:00 on Saturdays, and at no times on Sundays, Public or Bank Holidays (including the removal of any demolition materials).
 - x) that any and all hours of operation on the appeal site, including demolition and clearance works, shall only take place between 08:00 to 18:00 Monday to Friday, between 08:00 to 13:00 on Saturdays, and at not at all on Sundays, Public or Bank holidays.
 - xi) an approximate timetable for the start, progress and finish of all works on the site.
- 10) No development shall take place until full 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 proposed finished levels or contours; all means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials, including details of the permeability of hard surfaces; the type, numbers, size and location of proposed and retained plants and trees within the site. All hard and soft landscape works shall be carried out in accordance with the approved details and shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

- 11) No development shall take place until a schedule of landscape maintenance and management for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and that any trees or plants that die, or are removed, or become seriously diseased within five years from the completion of the development shall be replaced in the next planting season with other of a similar size and species. Management and maintenance of the landscaping shall be carried out in accordance with the approved schedule.