



Appeal Decision

Site visit made on 27 November 2020

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020.

Appeal Ref: APP/C5690/W/20/3249673

2 Sydenham Hill, London SE26 6SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Makris of Ledra Services Ltd against the Council of the London Borough of Lewisham.
 - The application Ref DC/19/114486 is dated 29 October 2019.
 - The development proposed is the demolition of the existing hotel (Use Class C1) and the erection of a part four and part five-storey building comprising 9 self contained flats (Use Class C3), together with hard and soft landscaping works and the provision of car and cycle parking and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. It has been brought to my attention by a number of parties in this appeal that there are several designated heritage assets in close proximity to the appeal site, and objections have been raised to the effect of the appeal scheme on these assets by some third parties. Firstly, the main, larger part of 108 Westwood Hill, known as Sunnysdene, is a Grade II listed building. The Council has not objected to the proposed development on grounds relating to the impact on this listed building or its setting. However, I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
3. Secondly, on the opposite side of Westwood Hill, to the south of the appeal site, and within the London Borough of Bromley, lies Crystal Palace Park. This is a Grade II* listed park and garden, and is also within the Crystal Palace Park Conservation Area. In addition to the Section 66(1) requirement set out above, Section 72(1) of the Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. I have therefore included a main issue dealing with any potential impact on these designated heritage assets.
4. The main issues are therefore:-
 - the effect of the proposed development on the character and appearance of the area;

- the impact of the proposed development on the significance of designated heritage assets, including whether the development would preserve the setting of the Grade II listed building known as Sunnydene and the Grade II* listed Crystal Palace Park, and whether it preserves or enhances the character or appearance of the Crystal Palace Park Conservation Area;
- the effect of the proposed development on the living conditions of occupiers of 108 Westwood Hill, with particular regard to outlook and sense of enclosure; and
- whether the proposed development would result in an unacceptable increase in on-street parking.

Reasons

Character and appearance

5. The appeal site lies on the corner of Sydenham Hill and Westwood Hill, adjacent to a busy roundabout. It is within a predominantly residential area, which contains a mix of dwellings, varying in type, size, age, and design, including modern four storey blocks of flats.
6. An earlier proposal for the demolition of the hotel on site and the erection of a five storey building containing nine flats was dismissed on appeal in 2018 (APP/C5690/W/18/3205842). In that proposal, the new building would have been sited towards the rear of the site, with a large area of hard surfaced car park in front. The Inspector in that case considered that the proposed building would appear cramped and that its significantly recessed position would weaken its presence on the corner.
7. The appellant has sought to respond to the previous Inspector's comments by proposing two linked buildings, and moving Block B forward to sit closer to the roundabout. The proposal also now involves a stepping up in height from Block A, adjoining Bucklands Court at 4 Sydenham Hill, to the most southerly part of Block B. There is nothing wrong in urban design terms in this approach, and does address the previous Inspector's comment about the then proposed building's weak presence on the corner. However, by locating the taller block so close to the roundabout, it would now appear as a very dominant feature in a highly prominent location.
8. The proposed south elevation on drawing PA-20 Rev P1, as well as the visualisations in the Design and Access Statement (DAS) make it clear that the height and bulk of proposed Block B would result in the adjoining two storey property at 108 Westwood Hill appearing overwhelmed by its much larger neighbour. The 3D visualisations also demonstrate that Block A, by having a flat roof level with the ridge of Bucklands Court's roof, and being set a little in advance of the front elevation of that building, would also appear overly dominant in relation to its neighbour.
9. The design of the proposed blocks includes a large number of vertical lines, and top storeys that, whilst of different design and materials, have a footprint as large as the floors below. These features draw attention to the height of the building. The proposed development would be the tallest building in the vicinity of the junction and its design tends to emphasise this, thereby exaggerating the sense of it dominating its lower neighbours. Overall, I consider that the proposed development would, by reason of a combination of

its height, location massing and design, appear as an unduly dominant feature in a very prominent location.

10. I therefore conclude that the proposed development would have an unacceptably adverse effect on the character and appearance of the area, contrary to Policies 7.4 and 7.6 of the London Plan (2016), Objective 10 and Policy 15 of the Core Strategy (2011) (CS), and DM Policies 30 and 33 of the Development Management Local Plan (2014) (LP). These policies seek, amongst other things, development that is appropriate to its context and responds to local character, and development on street corners that respects the character, proportions and spacing of existing houses.

Heritage assets

11. The Grade II listed building of Sunnyside is a large and imposing building, and its setting extends over the appeal site to Crystal Palace Park Parade, from where it is clearly visible. This degree of visibility is possible because the Astra Palace Hotel is set back from Westwood Hill. For the same reason, the setting of the listed building within Westwood Hill includes views from the east where Sunnyside is a significant feature in the street scene, but from where the existing hotel building is not visible.
12. By contrast, were the appeal scheme to be constructed, and as the rendered 3D visuals included in the appellant's DAS make clear, the dominant feature in views towards the appeal site from Crystal Palace Park Parade and Westwood Hill would be Block B of the appeal scheme rather than Sunnyside. In my opinion, the setting of the listed building would be adversely affected by this change.
13. In addition, when seen from closer to the appeal site, from the southern side of Westwood Hill, the pre-eminence of Sunnyside in the street scene would be overtaken by the presence of the taller and more prominently located Block B. I appreciate that this would not always be apparent, particularly in the summer months, because of the presence of substantial deciduous trees along the Westwood Hill frontage of No 108. However, to the extent that it would be perceived, this would also harm the setting of the listed building.
14. Crystal Palace Park is on the opposite side of Westwood Hill from the appeal site and separated from it by trees and shrubs along the boundary with the road. It may be possible to see the appeal development in the winter months when no leaves are on the trees. However, from the limited evidence before me, I do not consider that this limited intervisibility between the park and the development would cause harm to the setting of either the Grade II* listed park and garden, or of the Conservation Area.
15. I therefore conclude that the proposed development would adversely affect the setting of the Grade II listed building known as Sunnyside and cause less than substantial harm to its significance as a heritage asset. The proposed development would not harm the significance of Crystal Palace Park, either as a listed park, or as a conservation area. The proposal would also result in the provision of nine flats on brownfield land, which, by providing much-needed housing, is a public benefit of the scheme. However, these factors do not outweigh the harm to the setting of the Grade II listed building that I have identified.

Living conditions of occupiers of 108 Westwood Hill

16. The Council is concerned about the impact of the proposal on the west-facing windows in the side elevation of 108 Westwood Hill. It considers that they would suffer from reduced outlook and an increased sense of enclosure. As the Council has acknowledged, the occupiers of the ground and first floor flats in No 108 that have windows facing the appeal site already suffer from impeded outlook and a sense of enclosure from the existing hotel. However, this building is set back some distance from Westwood Hill, allowing the occupiers of the flats closest to Westwood Hill to gain some sense of openness and an outlook over part of the appeal site.
17. The appeal proposal would improve the situation in respect of those windows closest to the existing hotel building. However, it would introduce a large five storey building opposite all of the windows in the west elevation of No 108, at a distance of about 10 metres. Although this gap would be significant, the sheer size and height of the new building would appear oppressive to the occupiers of the rooms served by these windows, and would create an unwelcome and unacceptable sense of enclosure and a poor outlook.
18. The appellant's submitted Daylight and Sunlight Report (DSR) tells me that the windows closest to Westwood Hill on both floors are secondary windows for rooms served by other larger windows on the front elevation. My observations on my site visit appear to bear this out. This report also says that the other most affected windows appear to serve small kitchens and a bedroom. The DSR shows that the loss of sunlight and daylight experienced in these rooms would not be unacceptable and the Council agrees with this assessment, although the occupier of one of the affected flats does not. However, the DSR does not cover the more subjective matters of increased sense of enclosure and reduced outlook. As I have set out above, the impacts on the occupiers of these flats when in these rooms in those respects would be significant and in my view unacceptable.
19. I conclude that the proposed development would have an unacceptable effect on the living conditions of occupiers of 108 Westwood Hill, with particular regard to outlook and sense of enclosure, contrary to DM Policy 33 of the LP, which, amongst other things, requires development on street corners to not result in a loss of amenity to adjacent houses.

Parking

20. The Council accepts that the proposed level of off-street parking accords with current parking standards. It is however concerned that no parking survey has been submitted to demonstrate whether any overspill parking could be accommodated in the streets in the vicinity of the site.
21. The appellant's view is that very little on-street parking is available in the vicinity of the appeal site, that the site is in an area well served by public transport and that the proposed flats would be likely to be occupied by those who do not require a car. From the limited evidence before me on this subject, and despite the absence of a parking survey, I am inclined to agree with the appellants in that it does not appear that the proposed parking provision would be likely to result in an unacceptable level of demand for on-street parking.

22. I accordingly conclude on this main issue that the proposed development would be unlikely to result in an unacceptable increase in on-street parking, and would comply with Policy 14 of the CS, and DM Policy 29 of the LP, which seek a managed and restrained approach to car parking provision, and development that has no detrimental impact on the provision of on-street parking in the vicinity.

Planning balance and conclusions

23. The appeal proposal would provide nine additional units of housing, in an area with good accessibility by public transport. This is a benefit of the scheme that must be afforded moderate weight. I have also concluded that the proposed development would be unlikely to result in an unacceptable increase in on-street parking. This lack of harm is not a benefit of the scheme, but rather a neutral matter in the balance. On the other hand, I have concluded that the proposal would have an unacceptably adverse effect on the character and appearance of the area, would adversely affect the setting of a listed building, and have an unacceptable effect on the living conditions of occupiers of 108 Westwood Hill.

24. The Framework includes a presumption in favour of sustainable development. It says that there are three dimensions to sustainable development: economic, social and environmental. In my view, the harm that would be caused by the development means that it would not be environmentally sustainable. Considering the balance overall, I consider that the harm I have identified would outweigh the benefits of allowing the proposal to proceed.

25. For the reasons given above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR