



Planning Service
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London SE6 4RU

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Date: 15 May 2020

Property Ref: LE/265/E/TP

Our Ref: DC/19/112020

Mrs Alexander
Bell Cornwell LLP
Unit 2
Meridian Office Park
Osborn Way, Hook
RG27 9HY

Dear Mrs Alexander,

**REFUSAL OF PERMISSION TO DEVELOP
Town and Country Planning Act 1990 (as amended)**

Notice is hereby given that the London Borough of Lewisham, in pursuance of its powers as local planning authority under the above Act, Regulations, Rules & Orders made thereunder, refuses to permit the development referred to in the Schedule below as shown on the plans submitted.

Your attention is drawn to the Statement of Applicant's Rights endorsed overleaf.

SCHEDULE

Application Valid Date: 16 May 2019

Application No: **DC/19/112020**

Plan Nos: A003; A005; A200 (ground); A200 00 (roof); A201; A303; A321 Rev.02;
Site Plan; Design and Access Statement (Nick Wilson, April 2019);
Daylight and Sunlight Study within development (Right of Light, 11 April 2019); Daylight and Sunlight impacts to No.28 (Right of Light 4 April 2019); Planning Statement (Bell Cornwall, 5 April 2019);
Transport Statement and Appendices (Systra, 4 April 2019)
Received 16 May 2019;

A310 Received 22 May 2019;

A300 Rev.04; A310 Rev.01; A311 Rev.01; A312 Rev.01; A320
Received 10 July 2019;

A301 Rev.04 Received 23 July 2019;

Highways technical note (Systra) Received 18 September 2019;

Development: The demolition of 26 Hillbrow Road BR1 and construction of one storey building and 3 two storey buildings comprising 3, one-bedroom, 1, two bedroom, 1, three bedroom self-contained flats and 1, one bedroom house, together with the provision of 2 parking spaces, cycle spaces and landscaping.

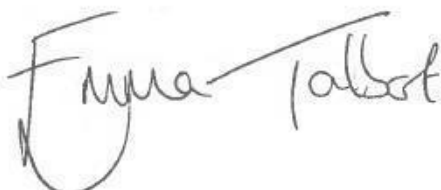
REASON(S) FOR REFUSAL

1. The proposed development would fail to ensure a safe and convenient route for pedestrians to the application site that would be accessible to all users, resulting in potential conflict with vehicle manoeuvring that would significantly further exacerbate existing prejudicial conditions to highway safety on Hillbrow Road, contrary to Paragraphs 108 and 109 of The National Planning Policy Framework (2019), Policy 7.2 An Inclusive Environment of The London Plan (2016), Policy 14: Sustainable Movement & Transport of the Core Strategy (2011) and DM32: Housing design layout and space standards, DM33: Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).
2. The proposed development would not be accessible to all users, due to a lack of step free access to any of the dwellings, contrary to Policy 3.8 Housing Choice, Policy 7.2 An Inclusive Environment and the Mayor's Housing SPG of the London Plan (2016), Policy 1: Housing provision mix and affordability of the Lewisham Core Strategy (2011) and DM32 Housing design layout and space standards of the Development Management Local Plan (2014).
3. The proposed first floor balcony to Unit 5 would give rise to a harmful level of overlooking into the rear garden of No.28 Hillbrow Road, contrary to Paragraph 127 of the National Planning Policy Framework (2019), Policy 15: High quality design of the Lewisham Core Strategy (2011), and Policy DM32: Housing design layout and space standards of the Development Management Local Plan (2014).

INFORMATIVES

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, pre-application advice was sought and advice was given regarding the proposal in terms of its design and scale. During the application further transport issues were identified. Discussion took place in trying to find a solution, but no solution was possible.

Yours sincerely



Emma Talbot
Director of Planning

Statement of Applicant's Rights arising from Refusal of Planning Permission:-

Appeals to the Secretary of State

- If you are aggrieved by the decision of the London Borough of Lewisham to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel No. 0303 444 5000, Email: enquiries@pins.gsi.gov.uk or fill in a form online via <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Planning Inspectorate that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Planning Inspectorate.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the London Borough of Lewisham. This notice will require the London Borough of Lewisham to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 Part VI of the Town and Country Planning Act 1990.