
Appeal Decision

Site visit made on 16 August 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 08 September 2016

Appeal Ref: APP/C5690/W/16/3150229

118 Hither Green Lane, Hither Green, London SE13 6QA

- 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 Keylan Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/15/094757, dated 9 December 2015, was refused by notice dated 24 February 2016.
 - The development proposed is the construction of a part one/part two storey extension incorporating roof terraces at the rear of 118 Hither Green Lane SE13 6QA, together with the construction of a dormer in the rear roof slope and installation of a roof light in the front roof slope and the installation of a roof light in the front roof slope and the alteration of existing flat to provide 1xstudio and 1x1 bedroom self-contained flats.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a part one/part two storey extension incorporating roof terraces at the rear of 118 Hither Green Lane SE13 6QA, together with the construction of a dormer in the rear roof slope and installation of a roof light in the front roof slope and the installation of a roof light in the front roof slope and the alteration of existing flat to provide 1xstudio and 1x1 bedroom self-contained flats at 118 Hither Green Lane, London SE13 6QA in accordance with the terms of the application, Ref DC/15/094757, dated 9 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 0025-DR-0006 Rev P03 – Proposed Floor Plans, Drawing No. 0025-DR-0007 Rev P03 – Proposed Floor Plans, Drawing No. 0025-DR-0008 Rev P03 – Proposed Elevations, Drawing No. 0025-DR-0009 Rev P03 – Proposed Sections.
 - 3) No development shall commence until a detailed schedule and samples of the materials to be used in the construction of the external surfaces, windows, external doors and roof coverings 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.
 - 4) All cycle parking spaces shall be provided and made available for use
-

prior to the occupation of the development and shall be retained thereafter.

Procedural Matter

2. As part of the appeal submission, the appellant has provided an amended layout plan Drawing No. 0025-DR-0006, altering the position of an internal wall thereby increasing the floor area of the proposed studio flat. As these revisions do not alter the external envelope of the building and the Council has had the opportunity to provide final comments on this submission, I am happy that their consideration as part of this appeal would not prejudice third parties.

Main Issues

3. The main issues in this case are:
 - whether the development provides an acceptable standard of living accommodation for future occupiers;
 - the effect of the development on the living conditions of the occupants of neighbouring properties on Harvard Road, with particular regard to overlooking.

Reasons

Standard of living accommodation

4. The appeal property is a three storey mid terrace Victorian building with retail use at ground floor and a two bed residential unit above occupying the first and second floors. The proposal would create a studio flat at first floor and a one bed flat at second floor and roof level. There is disagreement between the parties regarding the gross floor area of the proposed studio flat, the Council stating a floor area of 34 sq metres and the appellant 36 sq metres. In any case, both would be below the Technical housing standards -nationally described space standards and the requirements of Policy 3.5 of the London Plan. The amended plan submitted by the appellant as part of the appeal provides a minor internal alteration which would increase the gross floor area of the studio flat so that it would meet the required standards of 39 sq metres. The one bed flat would have a floor area of 56 sq which would exceed the minimum standards.
5. Policy DM 32 of the Lewisham Local Development Framework Development Management Local Plan 2014 (DM Local Plan) states in part (e) that single person dwellings will not be supported other than in exceptional circumstances and that developments will be required to have an exceptional design quality and be in highly accessible locations. In this case, I noted on my site visit that there is a bus stop immediately outside the property and Hither Green train station is located in walking distance. I note the Council gives the site a PTAL rating of 4. The site therefore had a high level of accessibility. Whilst the proposal is not of an exceptional design quality, it provides outdoor amenity space in the form of terraces to serve each of the flats and the Council has raised no objections in terms of design.
6. I therefore consider that the proposed flats would provide a suitable standard of accommodation and would comply with the national Technical housing standards, Policy 3.5 of the London Plan 2015, Policy DM 32 of the Lewisham

DM Local Plan 2014 and the London Plan Housing Supplementary Guidance (updated 2016) which seek to ensure high quality housing provision.

Living conditions

7. The Council has raised concern regarding overlooking from the proposed rear terraces to the gardens of the neighbouring residential properties on Harvard Road, in particular No. 66.
8. The proposed first floor terrace would be approximately 6.5 metres away from the side boundary fence to No. 66 Harvard Road. The second floor terrace would project approximately 2 metres from the existing rear elevation and would be set around 9 metres from the side garden boundary to No.66. Timber screening is proposed to the sides of each terrace which would overcome any overlooking to the dwellings either side of the appeal property.
9. The appellant has brought my attention to the Inspectors decision¹ for an earlier similar scheme on the site. The Inspector did not raise concern about overlooking even though the proposed first floor rear extension in that case exceeded 6 metres with the terrace projecting further out towards the rear boundary of the site. In the current appeal this rear extension has been significantly reduced to around 2.6 metres. The appellant therefore argues that overlooking cannot be a concern. However I note from the Council's evidence that this previous scheme was refused because of concerns regarding outlook only and not overlooking. The Inspector therefore did not need to address this issue. In any event each proposal should be considered on its individual merits and it is on this basis that I have determined this appeal.
10. I am mindful that the existing rear windows to the appeal property already overlook the rear gardens of the neighbouring properties on Harvard Road. Having regard to the separation distance, I consider that the second floor terrace would not materially worsen the existing overlooking. The first floor terrace would be closer to the rear boundary of the site but would be at a lower height. I have taken account of the separation distance, the angle of view and the presence of the existing boundary fencing. I consider that the lower terrace would not significantly overlook the rear garden of No.66 and would not materially increase the overlooking to other rear gardens than currently occurs.
11. The appeal proposal would therefore not cause harm to the living conditions of the occupants of neighbouring dwellings on Harvard Road. The appeal proposal would comply with Policy 15 of the Lewisham Core Strategy 2011, Policies DM 31 and DM 32 of the Development Management Local Plan 2014 and the Council's Residential Standards SPD 2012. These policies amongst other things aim to provide attractive and neighbourly development which would provide satisfactory amenity for its neighbours.

Other matters

12. The appellant has argued that there is a shortfall in the delivery of housing in the borough to meet the annual target set down in the London Plan. The

¹ Appeal Ref APP/C5690/W/15/3138765

appeal proposal would therefore make a contribution to meeting the required supply. In terms of the dimensions of sustainability outlined in the National Planning Policy Framework (the Framework), it would provide employment during construction and future residents would support local businesses and shops. The appeal property also lies in an accessible location. Whilst these factors weigh in favour of the proposal, as the development involves the creation of one additional dwelling at the property these benefits would be limited.

Conditions

13. I have considered the conditions put forward by the Council in light of the Planning Practice Guidance and the Framework. In addition to the standard time condition I consider it necessary for the avoidance of doubt that the development should be carried out in accordance with the submitted plans. I also consider it necessary to impose a condition regarding materials to protect the character and appearance of the area.
14. The Council has suggested a condition requiring the provision of 2 cycle spaces per flat. In the absence of any evidence to demonstrate why 2 spaces per flat are required, I consider that 1 cycle space per unit would be adequate bearing in mind both flats are single bedroom. Cycle parking is shown on the submitted plans therefore I consider a condition requiring cycle parking is not required. A condition ensuring its provision and retention is however necessary.
15. A condition regarding energy efficiency and water consumption has also been requested by the Council. I note the Design and Access Statement accompanying the application provides details in this regard to demonstrate compliance with development plan policies. I agree with the appellant that this matter can be dealt with at Building Regulation Stage and a condition is not necessary.

Conclusion

16. I have found that the appeal proposal would provide an acceptable standard of accommodation for future occupiers and would not harm the living conditions of the occupiers of neighbouring dwellings.
17. For the reasons given above and having regard to all other matters raised I allow this appeal.

Helen Hockenhull

INSPECTOR