
Appeal Decision

Site visit made on 29 November 2016

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 05 December 2016

Appeal Ref: APP/C5690/W/16/3157609

48-49 Deptford Broadway, Lewisham, London SE8 4PH

- 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 Magdalena Stepnowska against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096359, dated 21 April 2016, was refused by notice dated 20 June 2016.
 - The development proposed is the construction of a single storey roof extension to provide a self-contained studio flat together with the provision of a roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not the proposal would (i) provide adequate outside amenity space; (ii) preserve or enhance the character or appearance of the Deptford High Street Conservation Area and (iii) provide a long term and sustainable solution to housing need for the Borough.

Site and proposal

3. The appeal site forms part of a terraced block of properties which immediately front Deptford Broadway and where there are commercial uses on the ground floor and residential accommodation at both basement and upper floor levels. The site falls within the Deptford High Street Conservation Area (CA) which includes a mix of commercial and residential uses and is a busy and vibrant locality. Whilst the ground floor front elevations of the terraced properties are not particularly attractive, there is nonetheless a uniformity of design, materials and window proportions to the front/upper elevations of the terraced properties. Furthermore, the front roof slope of the terrace remains unaltered. Collectively, these distinctive characteristics add positively to the CA.
 4. It is proposed to erect a mansard roof extension on the top of Nos 48 and 49 Deptford Broadway to create a studio apartment with an outside roof terrace. The proposal also includes the removal of an existing roof structure (white in colour and referred to by the Council as a "shed") on the flat roof section of No 49 Deptford Broadway. It is understood that this structure is lawful due to the passage of time: it is particularly visible from Vanguard Street which is relatively close to the appeal site, albeit outside of the CA. The mansard roof extension, which would be set back from the ridge of the existing roof by about
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1.0 metre, would be partially removed to create outside amenity space and set behind the existing brick parapet wall at the rear. It would be clad in black standing seam zinc and would have timber framed sliding sash windows to match those on the existing building.

Outside Amenity Space

5. The outside roof terrace would measure about 1.1 metres in depth and would be approximately 7.9 metres long. In respect of Standard 27 of the London Plan Housing Supplementary Planning Guidance 2016 (SPG), whilst the overall size of the outside amenity space would exceed the minimum 5 square metres of outdoor amenity space, it would not accord with the minimum depth of 1.5 metres. At a depth of about 1.1 metres, I do not consider that the space would be of practical use, particularly in respect of the provision of outside tables and chairs. It may be possible to achieve some larger outside amenity space, as a consequence of the loss of a small amount of internal apartment floorspace, but such a proposal is not before me.
6. I acknowledge that the gross internal floorspace of the apartment is larger than the minimum required for a studio apartment. However, this should not automatically negate the need to provide the required minimum dimensions of outside amenity space for the occupiers of the proposed apartment. I acknowledge that paragraph 2.3.32 of the SPG states that "*where constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement*". However, I have not been made aware of any constraints which would reasonably preclude the provision of a larger outside terrace.
7. For the reasons outlined above, I therefore conclude that the proposal would not accord with the outside amenity space aims of Standard 27 of the SPG.

Conservation Area

8. The proposed mansard roof extension would be concealed behind the front pitched roof slope. Given its set back, and the overall height of the appeal building, the proposed development would not be conspicuous to passers-by when viewed from Deptford Broadway. Furthermore, and given these factors, I do not consider that the development would cause harm to the character and appearance of the host properties, or the wider terrace, from a design point of view.
9. Whilst there may be limited glimpses of the roof extension from some parts of the CA, I do note that there are other mansard roof extensions in the CA. Any limited views of the development when viewed from the immediate part of the CA would be in the context of a much built up urban environment and where there are already more prominent mansard roofs in existence. The high gable end dividing wall would provide an additional screening effect from the main road. Overall, I consider that the proposal would have a neutral impact upon the character and appearance of the CA when viewed from Deptford Broadway.
10. The proposal would include the removal of an existing white and out of keeping structure on the roof of No 49 Deptford Way. Whilst this is not particularly visible from within the CA, it is nonetheless conspicuous on the rear roof slope from nearby views into the CA such as from Vanguard Street. The removal of

such development, and its replacement with the appeal proposal, would result in a relative enhancement to the appeal building as well as to the character and appearance of the CA when viewed from further afield. Overall, and in this regard, I consider that there would be some enhancement to the character and appearance of the CA. I note that the Council considers that the existing roof structure may be improved (perhaps with cladding) or removed in the future, but it is reasonable to conclude that this would unlikely happen without some form of alternative development being allowed.

11. For the reasons outlined above, I consider that the proposal would both preserve and enhance the character and appearance of the CA. Therefore, I conclude that the development would accord with the design and conservation aims of Policy 16 of the Lewisham Core Strategy Development Plan Document 2011, and DM Policy 31 and DM Policy 36 of the Lewisham Development Management Local Plan 2014 (LP).

Housing Need

12. The proposal would create an additional one bedroom studio apartment with an internal gross floorspace of about 47 square metres. In terms of internal space, the studio apartment significantly exceeds the space standards as outlined in the London Plan 2016. However, DM Policy 32 (4e) of the LP states that *"single person dwellings will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations"*. Paragraph 2.247 of the reasoned justification to DM Policy 32 states *"small studio flats intended for single person occupation are not considered to provide long term, sustainable solutions to housing need. In exceptional cases when they are provided they will need to be in places that are not isolated and provide very good access to public transport and other amenities"*.
13. I consider that there are some exceptional circumstances which justify allowing the one bedroom studio apartment. Firstly, whilst the residential accommodation would be a studio apartment, it would be considerably larger than the minimum floorspace requirement outlined in the London Plan 2016. Hence, owing to its size, it would allow a greater degree of internal floorspace flexibility thereby providing a more sustainable solution to housing need. Secondly, when compared to the existing roof structure, the mansard roof would constitute a relative improvement from a design quality point of view. Finally, there is no dispute between the parties in respect of the site being in an accessible location with good access to public transport and day to day facilities and amenities.
14. For the above reasons, I have no reason to consider that the studio apartment would fail to provide a long term and sustainable solution to housing need in the Borough. I therefore conclude that the proposal would not conflict with the housing need aims of DM Policy 32 of the LP as there are a number of exceptional circumstances which justify allowing the proposed studio apartment.

Conclusion

15. Whilst I have concluded that the proposal would not cause harm to the character and appearance of the CA (in some respects there would be an enhancement) and that it would not be at odds with the housing needs aims of

the LP, I have nonetheless found that the overall depth of the outside amenity space would be inadequate and impractical for day to day living purposes. Therefore, for this reason, and taking into account all other matters raised, I dismiss the appeal.

Daniel Hartley

INSPECTOR