The Planning Inspectorate

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: 06 December 2016

Appeal Ref: APP/C5690/W/16/3155863
7 Gladiator Street, London SE23 1NA

- 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 Ashman (Shrubbery Developments Limited) against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/16/096513, dated 4 May 2016, was refused by notice dated 15 July 2016.
- The development proposed is the construction of a roof extension in the rear roof slope, single storey rear infill extension and the installation of a roof light in the front roof slope in connection with the conversion of the existing dwelling to provide 1 two bedroom and 1 three bedroom self-contained flats.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's refusal notice rather than the appellant's planning application form as this more accurately describes the appeal proposal.

3. The appellant has included a landscaping plan (023_S01_P2) and an amended ground floor plan (023_GA_00_PA) as part of the appeal submission. These were not considered by the Council at planning application stage. The amended plans show areas of internal storage for the ground floor flat, and areas to store bicycles for both flats. The changes are relatively minor and therefore I accept such plans for the purposes of determining this appeal.

4. As part of my site visit, I was able to see that internal works were being undertaken to the property. Furthermore, a full width dormer had been erected on the rear roof slope. This differed from the dormer shown on the planning application plans.

Main Issues

5. The main issues are (i) the effect of the proposal upon the housing strategy for the area as a result of the loss of a single family dwelling house and (ii) whether or not a) the proposed upper floor flat would have adequate internal floorspace and floor to ceiling height and b) the proposed ground floor flat would have adequate bicycle storage facilities.

Reasons

Site and proposal

6. The appeal property is an end of terrace three bedroom dwelling falling within a predominantly residential area. It includes gardens to the front and rear.

7. It is proposed to subdivide the property into two self-contained flats: on the ground floor there would be a two bedroom flat and on the upper floors there would be a three bedroom flat. The proposal includes a roof extension in the rear roof slope, single storey rear infill extension and the installation of a roof light in the front roof slope. The rear garden would be subdivided so that each of the flats would have its own dedicated outside amenity space.

Loss of single family dwellinghouse

8. DM Policy 3 of the adopted Lewisham Development Management Local Plan 2014 (LP) states that *"the Council will refuse planning permission for the conversion of single family houses into flats except where environmental conditions means that the single family house is not suitable for family accommodation due to any factor listed below: a. adjacent to noise generating or other environmentally unfriendly uses, b. lack of external amenity space suitable for family use"*. The policy also states that any family house considered suitable for conversion according to the above will need to have a net internal floorspace greater than 130 square metres. Whilst the appeal dwelling does have a net internal floorspace greater than 130 square metres, it is not adjacent to noisy or environmentally unfriendly uses and it has a proportionate amount of outside amenity space for family use.

9. Paragraph 2.14 of the reasoned justification to DM Policy 3 of the LP states that it is intended to deliver the approach in the London Plan policy 3.8 which states that Londoners should have a 'genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments'. DM Policy 3 of the LP is intended to provide that choice by ensuring that conversions of single family houses into flats does not further reduce the provision of this type of housing.

10. I acknowledge that the proposal does include a three bedroom apartment and that the London Plan 2016 defines family housing as houses with three or more bedrooms. However, DM Policy 3 of the LP does not permit the conversion of family dwellings if there is a three bedroom apartment. Indeed, paragraph 2.22 of the reasoned justification to the policy states *"the Council has ensured through the Strategic Site Allocations in the Core Strategy and the smaller other allocations in the Site Allocations Local Plan and Lewisham Roan Centre Local Plan that the projected housing growth for Lewisham can be accommodated without the need for the further conversion of single family houses into flats and the consequent loss of high quality family accommodation".*

11. For the reasons outlined above, I conclude that the proposal would not accord with the housing aims of DM Policy 3 of the LP. The loss of a family dwelling would be at odds with the strategic housing aims for Lewisham. I acknowledge that the proposal would assist in regenerating the property, and that the proposed flats would likely be more affordable than one single dwelling house.

However, these matters do not outweigh my overall conclusion on this main issue.

Upper floors flat

12. The appellant has not provided enough clarification about the proposed occupancy of each flat or details about whether bedrooms would be for one or two people. Consequently, without this level of certainty, it is difficult to assess the proposal against the housing standards in Policy DM 32 of the LP and the London Plan 2016. However, I have no reason to disagree with the Council that the ground floor flat would be acceptable in respect of internal space standards including the proposed storage details based on the amended plan.

13. The second flat would provide accommodation over two floors and would have three bedrooms. I consider that it is reasonable to conclude that this would be a two storey dwelling for the purposes of applying the relevant gross internal floorspace standard in the London Plan 2016. Taking this into account, the upper floor flat would be too small. Two of the bedrooms would only be large enough for single bed spaces, rather than double bed spaces. Even if the appellant were able to clarify that such bedrooms were intended to be for single bed spaces, this would not override the need for the flat to be larger than that proposed.

14. The appellant states that there is a certificate of lawfulness for a larger roof extension which, if implemented, would result in a larger flat. I have not been provided with any details of the lawful development certificate, but I did notice on my site visit that a full width dormer had been very recently erected on the rear roof slope. It is possible that this dormer has been built in connection with use of the property as a single dwelling house and in accordance with permitted development rights. However, I am required to determine the appeal based on the plans as submitted (and not what has been built on site) and, in its proposed form, the minimum floor space requirement for the upper flat would not be met.

15. The floor to ceiling height for the upper flat would be less than 2.5 metres. However, Policy 3.5 of the London Plan 2016 states that *"to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space".* The requirement to achieve a minimum floor to ceiling height of 2.5 metres is also a requirement of DM Policy 32 of the LP. Whilst there would be only a marginal shortfall in meeting the 2.5 metre floor to ceiling height requirement, this is nonetheless a minimum standard and therefore should be met or exceeded.

16. I therefore conclude that the proposal would not accord with the amenity aims of DM Policy 32 of the LP and the London Plan 2016 in respect of floor to ceiling height and the overall size of the upper floors flat.

Ground floor flat

17. At planning application stage, the appellant did not show any bicycle storage facilities for the ground floor flat. The amended plans now include an area for

bicycle storage. I am satisfied that this matter could be addressed by means of the imposition of a planning condition and that it would be possible to have enough covered and secure bicycle storage facilities for both flats.

18. For the above reasons, I conclude that the proposal would not be deficient in respect of bicycle storage facilities and therefore it would accord with the bicycle storage requirements of the London Housing Supplementary Planning Guidance 2016 and the London Plan 2016.

Other Matters

19. I have considered the proposed roof extension in the rear roof slope, single storey rear infill extension and the installation of a roof light in the front roof slope. I do not consider that this development would cause harm to the character and appearance of the host property/area, or that it would have a detrimental impact upon the living conditions of the occupiers of neighbouring properties. However, this development is not severable from the proposed use. It would not therefore be appropriate to issue a split decision in respect of this appeal.

Conclusion

20. Whilst I have found that the proposal would be acceptable in respect of bicycle storage, it would not be acceptable in respect of the proposed floor to ceiling height and overall size of the upper flat. Furthermore, in this instance the loss of a single family dwellinghouse would be at odds with the strategic housing aims for Lewisham. For these reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR