
Appeal Decision

Site visit made on 4 January 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

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

Decision date: 13 January 2017

Appeal Ref: APP/C5690/W/16/3160150
294A Brockley Road, London SE4 2RA

- 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 Matthew Johnson against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/097205, dated 22 June 2016, was refused by notice dated 21 September 2016.
 - The development proposed is the alteration and conversion of the first and second floor flat at 294A Brockley Road SE4 into 2 one-bedroom self-contained flats, together with alterations to the side elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed development would provide acceptable living conditions for future residents in terms of the provision of internal living space.

Reasons

3. The appeal property is a three bedroom flat set over the upper two floors of the host building, with a commercial use at the ground floor which was vacant at the time of my visit. The building is located on Brockley Road at its junction with Braxfield Road. The surrounding area on Brockley Road is characterised by ground floor shops with flats above and terraced residential properties in the surrounding streets.
 4. The appeal property is not a Listed Building or located within a Conservation Area, although the buildings immediately opposite the site on Brockley Road are located within the Brockley Conservation Area. The façade of the adjoining St Cyprian's Hall and the adjoining Victorian shops are regarded as non-designated Heritage assets by virtue of their contribution to the street scene.
 5. The proposed 2 one-bedroomed flats would have an almost identical layout. The alterations to the side elevation would consist of two high level windows to light the bathrooms. These are the only external alterations proposed.
 6. The statutory development plan for Lewisham comprises the Core Strategy (June 2011), together with the Site Allocations Local Plan (June 2013), the Lewisham Town Centre Local Plan (February 2014), the Development Management Local Plan (November 2014) and the London Plan (March 2015)
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incorporating March 2016 Minor Alterations. The Core Strategy was adopted in 2011 and having reviewed its policies, I consider there is no issue of significant conflict with the NPPF¹ and as such full weight can be given to these policies in accordance with paragraph 215 of the NPPF.

7. Relevant policies in the London Plan include: Policy 3.3 Increasing housing supply; Policy 3.5 Quality and Design of Housing Developments; Policy 6.9 Cycling; Policy 6.13 Parking; Policy 7.4 Local character; Policy 7.6 Architecture and Policy 8.3 Community infrastructure levy.
8. Relevant policies in the Core Strategy include: Core Strategy Policy 1 Housing provision, mix and affordability; Core Strategy Policy 14 Sustainable movement and transport and Core Policy 15 High Quality design for Lewisham. Relevant Development Management Local Plan policies include: DM Policy 1 Presumption in favour of sustainable development; DM Policy 22 Sustainable design and construction; DM Policy 29 Car Parking; DM Policy 30 Urban Design and Local Character; DM Policy 31 Alterations/extensions to existing buildings, DM Policy 32 Housing design, layout and space standards and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.
9. On 25 March 2015 through a Written Ministerial Statement, the Government introduced new Technical Housing Standards - Nationally Described Space Standard (THS) and detailed how these would be applied through planning policy. These new standards came into effect on the 1st of October 2015. From this date relevant London Plan policy and associated guidance in the Housing Supplementary Planning Guidance (SPG) March 2016 should be interpreted by reference to the nearest equivalent new national technical standard. The new Housing Standards were adopted through Minor Alterations to the London Plan in March 2016. I have taken into account the new Technical Housing Standards and the London Plan SPG Housing (March 2016). The NPPF is also a material consideration.
10. The Appellant refers to the 45 sq m standard for a 1 bed/2 person unit contained in L B Lewisham Residential Standards SPD (2012). However, this standard operated prior to the current standards imposed by the London Plan and the THS. The proposed flats at 42 sq m and 46 sq m would not meet the 50 sq m requirement set out in the THS and the London Plan. I appreciate that both bedrooms would have an area of 11.5 sq m and would be 2.75m wide which would be policy compliant. Moreover, I accept that they would have adequate outlook, daylight/sunlight and storage space. The site has a PTAL rating of 4 but this is not considered to be highly accessible. In summary, the proposed flats would fail to represent an acceptable quality of development as they would not meet the minimum gross internal unit floor area required.
11. No car parking spaces are proposed in this development. However, in my view, this is unlikely to cause a significant impact on parking demand in the vicinity. The proposal would accord with CS Policy 14 and Policy 6.13 of the London Plan (2015). Cycle storage space would also be acceptable. There would be no adverse impact on the amenity of neighbouring occupiers. The new high level windows in the side elevation would not have an adverse impact on the façade of the St Cyprian's Hall and the adjoining Victorian shops, which are regarded as non-designated Heritage assets.

¹ National Planning Policy Framework

12. Overall I conclude that the proposed development would not provide acceptable living conditions for future residents in terms of the provision of internal living space by virtue of its failure to meet the minimum unit floor area, contrary to the THS (March 2015), Policy 3.5 Quality and Design of Housing Developments of the London Plan (adopted March 2015, incorporating March 2016 Minor Alterations) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014) and the London Plan Housing SPG (March 2016). The proposal is in overall conflict with the development plan. On the main issue the appeal must fail.
13. I have taken into account all other matters raised including the information contained in the Planning Statement. Planning conditions would not overcome the objections I have described. None of these matters changes my overall conclusion that the appeal should be dismissed.

Harold Stephens

INSPECTOR