

Appeal Decision

Site visit made on 31 January 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/C5690/W/16/3162159
3 Waldenshaw Road, London SE23 3XP

- 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 Consortium Real Estate Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096136, dated 5 April 2016, was refused by notice dated 2 August 2016.
 - The development proposed is conversion of basement into 2 self contained flats including minor external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's first reason for refusal relates to the principle of the proposed studio flat and refers to DM Policy 30 of the Lewisham Development Management Local Plan (DMLP). However DM Policy 30 relates to urban design and local character and is not therefore relevant to the principle of the proposed studio flat. It is clear from the Council's Officer Report that the principle of the studio flat was assessed against DM Policy 32 of the DMLP and not DM Policy 30. I have been provided with a copy of DM Policy 32 and have had regard to it in reaching my decision. Though the policy was not referred to in the Council's decision notice, I am satisfied that as it was referred to in the Council's Officer Report, the appellant has had the opportunity to comment on it and indeed the appellant has referenced DM Policy 32 in their statement of case.

Main Issues

3. The main issues are:
 - whether the principle of the proposed flats is acceptable having regard to local and national policy;
 - the effect of the proposal on the living conditions of the occupiers of adjoining and nearby properties having regard to waste and noise and disturbance;
 - the effect of the proposal on the character and appearance of the area including the Forest Hill Conservation Area;
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- whether the proposed waste storage facilities are acceptable.

Reasons

Principle of the proposed flats

4. The proposal would provide two additional flats at the appeal site, a studio flat and a one bedroom self-contained flat.
5. DM Policy 32 of the DMLP relates to housing design, layout and space standards and I am satisfied that the policy is consistent with the National Planning Policy Framework when taken as a whole. Part 4(e) of the policy states that single person dwellings will not be supported other than in exceptional circumstances. The supporting text to the policy states that such accommodation is not considered to provide long term, sustainable solutions to housing need. Single person dwellings will be required to have an exceptional design quality and be in highly accessible locations. Neither exceptional design quality nor highly accessible locations are defined though the supporting text to the policy refers to studio flats being in places that are not isolated and provide very good access to public transport and other amenities. The proposed studio flat is a single person dwelling.
6. With regard to exceptional design quality, the appellant argues that the studio flat is of the highest quality and that it would incorporate timber framed windows and doors, would comply with minimum space standards, would have good access to natural light and have its own private patio. However at 37m² the floor area of the studio flat with bathroom would fall slightly below the minimum standard of 39m² as set out in the nationally described space standards and it would not have its own private patio but rather would have access to a communal rear garden. Consequently whilst the flat would appear to meet BRE guidelines for daylight and sunlight, would be dual aspect and would incorporate traditional design details, I do not consider that it could be said to be of an exceptional design quality.
7. The main parties agree that the location of the appeal site means that it has a PTAL rating of 4, though the appellant considers this means that accessibility is good whereas the Council considers it to be moderate. However DM Policy 32 does not refer to PTAL ratings and at my site visit I noted that the appeal site has good access to public transport and to a wide range of services and facilities. Consequently for the purposes of DM Policy 32 I do not consider the appeal site to be isolated as it is in a highly accessible location.
8. Taking the above matters into consideration, whilst the appeal site is in a highly accessible location, the proposed studio flat would not be of an exceptional design quality. The proposal is therefore contrary to DM Policy 32. This policy states, amongst other things, that single person dwellings will not be supported other than in exceptional circumstances and that development will be required to have exceptional design quality and be in highly accessible locations. Whilst the proposal would help to achieve the maximum development potential possible in the area, this does not outweigh the conflict with DM Policy 32.

Living conditions

9. The two additional flats would be within the basement of the host building which is currently in use as eight flats. Both flats would be relatively modest in

size with one being a studio flat and the other a one bedroom self-contained flat. Access to both flats would be via basement level doors in the side elevation of the host building adjacent to the neighbouring property at 5 Waldenshaw Road. The common side boundary between the appeal site and No 5 is marked by a solid timber fence and the side elevation of No 5 facing the appeal site contains a small number of windows. The host building adjoins the property at 1 Waldenshaw Road which also appears to be in residential use. Waldenshaw Road largely comprises buildings of a similar scale to the host building, some of which appear to be in use as flats.

10. I acknowledge that the proposed increase in the number of flats within the host building would result in an increase in the number of occupants, visitors and comings and goings associated with the appeal site and that there would be an increase in the amount of waste generated. However having regard to the modest scale, basement location and layout of the proposed flats, their relative position to nearby buildings and to the nature of the immediate surrounding area which appears to contain a mix of residential uses, I do not consider that the proposal would lead to an unsustainable number of dwellings or is likely to result in a significant increase in noise and disturbance or waste to be materially harmful to the living conditions of occupiers of adjoining and nearby properties. Whilst there is some anecdotal evidence of anti-social behaviour associated with the current use of the host building as flats, there is no substantive evidence that the increase in the number of flats as proposed is likely to result in any increase in anti-social behaviour emanating from the appeal site.
11. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of adjoining and nearby properties having regard to waste and noise and disturbance. It therefore accords with Policy 15 of the Lewisham local development framework Core Strategy (CS) and DM policies 1 and 30 of the DMLP insofar as they relate to the living conditions of existing residents. These policies seek, amongst other things, sustainable development that is compatible with and/or complements and is sensitive to local context and character.

Conservation Area

12. The appeal site is located within the Forest Hill Conservation Area (CA). The CA is reasonably large and contains suburban residential streets mainly built between 1840 and 1900 and the commercial centre around the railway station. Waldenshaw Road together with a number of other roads within the CA contains predominantly upper middle class housing of mid 19th century construction and is notable for its large houses set back from the road in relatively spacious grounds.
13. The Council raised no objections to the external alterations proposed to the host building as part of the proposal as in the main it considered them to be sympathetic to the host building and the CA. I have no reason to disagree with the Council on this issue. However the Council has raised concerns regarding the impact of the increase in the number of flats within the host building and the resulting impact of the increased numbers of people, noise and disturbance and waste on the character and appearance of the CA.

14. However, as stated above, I do not consider that the proposal would constitute overdevelopment of the appeal site or that the likely increase in the number of people, coming and goings, waste and noise and disturbance would be material or significantly harmful to the character of the area, including the CA.
15. Consequently I am satisfied that the proposal would preserve and would not adversely affect the character and appearance of the area including the CA. It therefore accords with Policy 15 of the CS and DM policies 1 and 30 of the DMLP insofar as they relate to the impact of development on heritage assets. These policies seek, amongst other things, sustainable development and the protection of the historic environment.

Waste storage facilities

16. The host building is set back from the road behind a partly paved and grassed area and there is an existing timber bin store to the front of the appeal site. The proposal includes the re-location of the bin storage facility to the rear garden. The rear garden is accessed by a series of steps to the side of the host building. At the time of my visit I noted bin storage to the front of other properties along Waldenshaw Road.
17. Paragraph 3.6 of the Council's Residential Standards Supplementary Planning Document (SPD) relates to recycling facilities and bin storage and amongst other things states that bins should not be stored on routes involving staircases and steps. Whilst I note that the proposed flats would be accessed via the side of the host building and that this would involve the use of the steps to the side of the building, the majority of the existing flats are accessed via the front of the building. Consequently the proposed re-location of the bin storage facility to the rear of the site would be likely to be more inconvenient to the majority of occupiers of the host building and would involve the use of more steps. Whilst there would be some visual benefits to the proposed re-location, it would nevertheless be contrary to the SPD.
18. However having regard to the amount of space available to the front of the host building and to the fact that the SPD does not preclude bin storage in front gardens subject to suitable screening, I consider that this matter could adequately be addressed by a suitably worded condition requiring details of bin storage to be agreed by the Council. I conclude therefore that the proposal accords with Policy 15 of the CS which, amongst other things, seeks design quality in new housing schemes and flexible and adaptable developments.

Conclusion

19. The proposal would not have a significant adverse effect on the living conditions of the occupiers of adjoining and nearby properties having regard to waste and noise and disturbance. It would preserve the character and appearance of the CA and bin storage facilities could adequately be dealt with by the imposition of a suitably worded condition. However whilst the appeal site is in a highly accessible location, the proposed studio flat would not be of an exceptional design quality. The proposed studio flat is therefore unacceptable in principle and is contrary to DM Policy 32 which seeks to provide long term, sustainable solutions to housing need.
20. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR