
Appeal Decision

Site visit made on 7 February 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 17th March 2017

Appeal Ref: APP/C5690/W/16/3162480

356 Brockley Road, Crofton Park, London SE4 2BY

- 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 Oliver Denby of London and Southwest Property Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref: DC/16/096499, dated 3 May 2016, was refused by notice dated 17 August 2016.
 - The development proposed is the change of use of part of the ground floor shop, together with the construction of a rear extension to provide 1 one bedroom self-contained unit.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application form describes the proposed development as 'Replacement of existing structure in rear garden with rear extension, and change of use of rear part of shop to form 1 new 1 bed flat'. The decision notice issued by the Council describes it as 'The change of use of part of the ground floor shop at 356 Brockley Road SE4, together with the construction of a rear extension to provide 1 one bedroom self-contained unit'. The Council's description is slightly more accurate and I note that the appellant has adopted this on the appeal form. I have therefore also used the latter for the purposes of the appeal.
3. Although the appeal form gives the address of the property as 356a Brockley Road, both the original planning application form and the decision notice cite the address as 356 Brockley Road. In order to be consistent with the original application form and the decision notice, I have used 356 Brockley Road. however, for the avoidance of doubt the appeal relates to the rear part of the ground floor of the building at this address.

Main Issue

4. The main issue in this appeal is whether the proposed development would provide suitable living conditions for the future occupants.
-

Reasons

5. Policy 3.5 of the London Plan 2015 (the London Plan) was amended in 2016 to align it with the Technical housing standards – nationally described space standard (the Standard) which was published in March 2015. At the same time the London Plan Housing Supplementary Planning Guidance (SPG) was also updated to incorporate the requirements of the Standard. DM Policy 32 of the Lewisham Development Management Local Plan 2014 (DMLP), which sets out Housing design, layout and space standards, predates the publication of the Standard and contains internal floorspace requirements that are slightly different from those in the Standard. From 1 October 2015 existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space are required be interpreted by reference to the nearest equivalent new national technical standard.
6. When taken together, these policies seek to ensure that new residential development meets certain minimum standards in order to ensure that it is fit for purpose and provides adequate and practical space for basic day to day living requirements.
7. In addition to setting out space standards, Policy DM 32 of the DMLP states that single person dwellings will not be supported other than in exceptional circumstances, and will be required to have an exceptional design quality and be in highly accessible locations. The supporting text to Policy DM32 sets out that the Council do not consider that small studio flats intended for single person occupation provide long term, sustainable solutions to housing need.
8. No definition of what would constitute exceptional circumstances is set out in either Policy DM32 itself or within the supporting text. Reference is only made to design quality and access to public transport.
9. It is common ground between the parties that, at approximately 39m², the gross internal area of the proposed flat meets the minimum floor space requirements of the London Plan, the Standard, and the SPG. The floor area of the bedroom meets the minimum floorspace requirements for a single bedroom but does not meet the minimum width requirement of 2.15 metres which is set out in the Standard and the SPG. The appellant suggests that if the room were furnished with a single bed located in the far end of the room, it would meet the minimum width requirement. Although furnishing with a single bed would increase the amount of clear floor area, it would not alter the basic overall dimensions of the room, which would remain less than 2.15 metres wide. Consequently, I do not find this argument to be a compelling one.
10. The proposed bedroom would also lack windows. Daylight would only be received by this space through the doorways. I note that the appellant states that the bedroom space would be separated from the living room area by built-in furniture. However, the sections of the proposed flat shown on the submitted drawings¹ indicate that this partition would extend to the full height of the flat. This would result in restricted levels of daylight being received by this room. Although the living room area has an extensive glazed elevation, the outlook from the bedroom area would be restricted to the narrow width of the doorway. This lack of outlook and restricted availability of daylight combined with small size of the room would, in my view, result in an

¹ Drawing number 151 PL007 Revision 4

excessively constrained space that would not result in a pleasant or practical living environment. I have had regard to the appellant's point that an additional roof light could be installed above the bedroom area, however, I am not satisfied that this would overcome the poor living conditions that would result from the configuration and narrow width of the proposed bedroom, despite the fact that it would meet the minimum floorspace requirement.

11. Neither the SPG nor DMLP Policy DM32 preclude single aspect housing, and whilst it is not a preferred approach by either policy, the configuration of the appeal building does not allow for anything other than a single aspect dwelling on this site. The SPG recognises that single aspect, one bedroom dwellings are possible where limited numbers of rooms are required, the building uses a shallow plan, and a favourable orientation or outlook can be achieved. Whilst the proposed flat faces across a small private garden area and is not overlooked or unduly enclosed by other buildings, the development would result in a dwelling with a relatively deep floor plan which would result in restricted light in the bedroom area and, as set out above, result in poor living conditions for the future occupants.
12. In this respect, I do not find that the proposed development would represent exceptional design quality as required by DMLP Policy DM32. Additionally, whilst the design of the exterior of the proposed extension to the building would not be inherently objectionable, neither this, nor the layout of the interior spaces is particularly innovative or original.
13. The Public Transport Accessibility Level (PTAL) is an accepted method of determining how well served an area is by public transport. The appeal site is in a location which has a PTAL rating of 3. This represents a moderate level of access to public transport and I saw when I visited the site that it is in proximity to Crofton Park railway station and that there are also bus stops serving several routes, including night buses, very close by.
14. Policy DM32 does not define 'highly accessible' by reference to a specific PTAL rating. Whilst very good and excellent levels of access to public transport are represented by PTAL ratings of 5 and 6 respectively, the policy and supporting text is also silent with respect to the reason for the locational requirement for single person occupation dwellings. Within this context, the appeal building is not isolated and has easy access to both public transport and local shops and services. However, this of itself does not overcome the poor living conditions for the future occupiers that I have found.
15. I therefore conclude that the proposed development would not provide suitable living conditions for the future occupants. It would be contrary to the relevant requirements of Policy 3.5 of the London Plan; Policy DM32 of the DMLP and the guidance on the SPG which seek to ensure that new housing meets certain minimum standards in order to be fit for purpose.

Other Matters

16. I have had regard to the appellant's points that the proposal would provide a small starter home, however, neither party has submitted any substantive evidence in respect of the need for properties of this type and, consequently, I can give only limited weight to this. Whilst the proposal would remove the current structure from the rear garden area, this is not readily visible from outside of the appeal site and would not represent a significant public benefit.

17. I also note that there are limitations on the site because of the existing structure of the appeal building and the other uses within it, and that the proposal would not adversely affect the living conditions of occupiers of adjoining properties. Nonetheless, none of these factors, either singly or collectively, outweigh the poor living conditions for the future occupants that I have previously concluded would result from the development.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR