
Appeal Decision

Site visit made on 27 February 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 27th March 2017

Appeal Ref: APP/C5690/W/16/3161293

2 Fransfield Grove, Lewisham, London SE26 6BA

- 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 Miss Liang (SNEW Limited) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096553, dated 22 January 2016, was refused by notice dated 2 August 2016.
 - The development proposed is ground and first-floor rear extension and the conversion of the property into x2 2-bed self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are (i) the effect of this proposal on the choice and mix of housing within the Borough and (ii) whether acceptable living conditions would be provided for existing and future occupiers, with particular regard to privacy and outlook.

Reasons

(i) Choice and mix of housing within the Borough

3. The appeal property is at the end of an urban street of late 19th century terraced housing, built to three floors. No 2 is currently a single, five-bedroomed dwelling with accommodation over four floors, including a room in the roof space. The proposal is to divide the property horizontally to provide a two-bedroom flat on the ground floor, by the enlargement of a single storey rear addition, and a second two-bedroom flat utilising the upper floors. The upper-storey flat would have outside space in the form of a roof terrace over the adjacent part of the ground-floor extension.
 4. The Council's evidence is that the main housing need in the Borough is for the kind of family accommodation this property currently provides, which is defined as where there are three or more bedrooms. This evidence also shows that the market is bringing forward a high proportion of one and two-bedroom flats and that accommodation with three or more bedrooms is being provided at a lower rate. Consequently, the Council's position is that this property should be retained as family-sized accommodation to address the shortage within the Borough.
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5. The development plan comprises the London Plan 2016 (LP) and the Council's Core Strategy 2011¹ (CS) and Development Management Local Plan 2014² (DMLP). LP Policy 3.8 provides the strategic aim to secure an adequate choice of housing in London and CS Policy 1 sets out how this should be provided in Lewisham, with regard to mix and affordability. DMLP Policy 3 is particularly relevant to the appeal in addressing the conversion of a single family house to two or more dwellings.
6. DMLP Policy 3 applies to houses with a net internal floorspace of greater than 130m², which would apply to No 2 as this is given as 144.9m² in the design and access statement. This policy resists the conversion of single family houses into flats unless environmental conditions are such that they are unsuitable as family accommodation. These environmental conditions relate to unsuitability in respect of two criteria; firstly, noise generating or other environmentally unfriendly uses adjacent and, secondly, the lack of external amenity space suitable for family use.
7. The appellant agrees that the Council's aim to protect family-sized accommodation within the Borough is sound but considers that in this particular area the need is well provided for by the large area of public sector housing to the south west. The private housing stock in Fransfield Grove has supported conversions to two or more flats which comprise the main form of accommodation in this street. Consequently, the appellant argues that this would not provide a good living environment for a family.
8. The appellant considers the accommodation unsuitable for a family with elderly members due to the incline of the street and the amount of on-street parking in Fransfield Grove making it inconvenient to access the nearby shops and facilities, either by foot or motorised scooter. Whilst I agree that the home would not necessarily be ideal for an elderly or infirm resident this would not prevent it being suitable for large families with younger members.
9. The Kelvin Grove Primary School is located immediately to the rear of the appeal property, which backs directly onto its playground. Regard has been had of the noise assessment submitted with this appeal. I agree that significant noise can be generated from a primary school. The appellant considers this would make the property unsuitable for a family home containing either elderly people or a parent caring for young children, both at home during the day. However, given that any noise would be restricted to school days and lunch times and play periods, and would not be more constant, I am not persuaded that the adjacent primary school comprises the kind of environmentally unfriendly use that would preclude the retention of No 2 as a single family house.
10. The appellant makes the case that in a street of mainly non-family sized flats that children at No 2 would not have an acceptable level of interaction with those the same age and that the lack of nearby play provision would encourage use of the street and its inherent dangers. However, the property is close, and links through, to the family homes in Mill Gardens and I consider occupiers of this dwelling would have interaction with other families. Furthermore, I am persuaded by the Council's view that the existing back garden at No 2 meets

¹ Lewisham Local Development Framework Core Strategy Development Plan Document – adopted June 2011.

² Lewisham Local Development Framework Development Management Local Plan – adopted 26 November 2014.

the LP size standards for family accommodation and would provide adequate play space, avoiding the need for children to use the adjacent street.

11. Whilst this proposal would meet other development plan standards in respect of adequate accommodation within the two flats proposed, and generally boost the supply of much needed housing, I give greater weight to the need to protect the family-sized accommodation currently provided at No 2. The environmental conditions would not make No 2 unsuitable for retention as a single, family-sized dwelling and so the proposal would be contrary to DMLP Policy 3 and conflict with the aims of LP Policy 3.8 and CS Policy 1 in securing an adequate choice and mix in the provision of housing within the Borough.

(ii) Living conditions

12. The ground-floor flat would be provided its living room/kitchen area through extending the width and extent of the existing single-storey rear addition. However, the addition to the rear would be L- shaped to retain a small open courtyard area adjacent to the back face of the building. This would provide an open aspect to the rear-facing bedroom window in the proposed ground-floor flat and help preserve an acceptable outlook from the adjacent back door and kitchen window to the downstairs flat at No 4.
13. The Council's concerns relate to the living conditions of the future occupiers of the proposed ground-floor flat, and to those of the existing adjacent occupiers of the ground-floor flat at No 4 and of the neighbouring dwelling at 43 Rowland Grove, and to the unacceptable loss of privacy resulting from the proposed roof terrace. There is already a roof terrace over the rear kitchen/bathroom to the ground-floor flat at No 4, which provides outside amenity space for the upstairs flat in that building but which the Council advises has not been granted express consent. There are other roof terraces above the rear additions further along Fransfield Grove.
14. A 0.8m high opaque glass security screen would surround the roof terrace which would limit standing views from this area to the rear garden proposed for the ground-floor flat at No 2 and to the back garden of the ground-floor flat at No 4. The appellant has provided details of hazel switch privacy screens, which might be required through a condition, to reduce any remaining overlooking at the sides of the roof terrace onto the courtyard area to the proposed ground-floor flat, to the garden to 43 Rowland Grove and to the kitchen window and adjacent outside area to the ground-floor flat at No 4.
15. I have taken account of the fact that most houses in this street have been similarly converted into flats. Nevertheless, this proposal must be assessed on its own merits. Adequate living conditions would be provided for future occupiers of the new ground-floor flat through the outside living space offered by the garden to the rear. However, the main impact of the additions to the rear would be on the living conditions of the occupiers of the ground-floor flat at No 4. The need to provide additional privacy screening from the proposed roof terrace would increase the sense of enclosure and loss of open aspect caused to the occupiers of this neighbouring flat by the proposed enlargement to the rear. As a consequence this proposal would not provide acceptable living conditions for these neighbouring occupants and be contrary in this respect to the aims of CS Policy 15, DMLP policies 31 and 32 and the guidance in the Council's Residential Standards Supplementary Planning Document of May 2012.

Conclusion

16. The delegated report provides a detailed justification for the Council's decision and the lack of a further appeal statement would not weaken the case made. For the reasons given, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR