

Appeal Decision

Site visit made on 2 May 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/C5690/W/16/3156655
82 Manor Park, London SE13 5RL

- 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 Tom Bello against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/095909, dated 11 March 2016, was refused by notice dated 1 July 2016.
 - The development proposed is converting a 5/6 bedroom house into 4 apartments, 1 x 3 bedroom apartment, 3 x 1 bedroom apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of 80 and 84 Manor Park and whether the proposal provides acceptable living conditions for the future occupiers with particular regard to internal space and outlook
 - The effect of the proposal on the supply of family housing in the District.
 - The effect of the proposal on the character and appearance of the host building and the surrounding area
 - What impacts, if any, the proposed development would have on localised flooding issues and to property and/or life
 - The effect of the proposal on pedestrian and highway safety
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Reasons

Living conditions

3. The proposal is for the conversion of 82 Manor Park to four flats comprising a three bedroom flat at ground floor and three one bedroom flats over the first and second floors.
4. There is no dispute between the parties that the ground floor flat would meet the requirements of DM Policy 32 of the Lewisham Local Development Framework Development Management Local Plan 2014 (DMLP) which requires compliance with the technical housing standards contained within Policy 3.5 of the London Plan The Spatial Development Strategy for Land Consolidated with Alterations since 2011 (2016) (LP).
5. The Council state that the floor area of the first floor flats would be 42.1m² and 37.6m² and the second floor flat would 32.9m². These figures have not been disputed by the appellant. The second floor flat therefore would be significantly undersized when considered against the requirements of Policy 3.5 of the LP. Furthermore, as the flat would be located within the roofspace of the property some of the floorspace would have headroom of less than 1.5 metres. Therefore the available floorspace is likely to be further reduced creating an even greater shortfall.
6. The Council suggest that the flats on the first floor should be assessed as one-bed *two*-person dwellings based on an identical layout submitted on a previous application in respect of the appeal site. Furthermore, the appellant's design and access statement states that the flats would be used for one or two person occupancy. Although the appellant's statement indicates that they would only be let to single persons, I have no way of ensuring that would happen.
7. The flats would comprise four separate rooms; a kitchen, a living room, a bathroom and a bedroom. This arrangement clearly goes beyond that of a studio type unit and would serve as a one-bed, two person flat given that the bedroom would quite clearly accommodate a double-sized bed. As a result both would be undersized when considered against the requirements of Policy 3.5 of the LP.
8. Consequently the internal space of the flats on the first and second floor is substandard, which would lead to a cramped and claustrophobic environment to the detriment of the living conditions of the future occupiers. This would be reinforced by the proximity of the bedroom windows in the first floor flats to the side wall of 84 Manor Park which would limit the outlook from the windows giving an unacceptable level of enclosure. This would outweigh any element of affordability that smaller units may attract.
9. Even if I were to accept the first floor units as single person accommodation and therefore in accordance with the space standard for single-person homes, DM Policy 32 states that single person dwellings will not be supported other than in exceptional circumstances and will be required to have an exceptional design quality. The appellant points to the demand for single person accommodation referring to statistics from the Office of National Statistics that state that 29% of households in the United Kingdom are one person. By extrapolating this data he believes that 50,000 single person households have been created each year between 1996 and 2015. However, I have seen

nothing to suggest that such a demand exists in the area where the appeal site is located and therefore have not been persuaded that the proposal represents exceptional circumstances.

10. No 84 has a two storey outrigger containing windows at ground and first floor which have an outlook directly towards the appeal site. Windows in the main rear elevation of No 84 face towards its garden.
11. I appreciate that the existing outlook from the windows at No 84 is towards the rear outrigger of No 82. However, the proposed two storey infill extension would bring the side wall significantly closer to No 84. As a result it would be close enough to dominate the outlook from the side windows of the outrigger and windows in the main rear elevation of No 84. Because of its height and length, it would have an unpleasantly enclosing and overbearing effect on the outlook from the windows.
12. 80 Manor Park is attached to the appeal property and has a similar two storey outrigger. It has a window in its end elevation. Boundary treatment is a staggered high fence to take account of the land level which dips away from the houses towards the Quaggy River.
13. The proposed single storey extension would be visible from No 80 above the boundary fence. However the limited height and extent of the extension means that it would not create a significant or unacceptable level of enclosure to the occupiers of No 80.
14. There is no dispute between the parties that the proposal would cause loss of light and this is not part of the Council's reason for refusal.
15. I have found the proposal to be acceptable in regard of its effect on the living conditions of the occupiers of No 80. However, for the reasons above I conclude that the proposal would not provide acceptable living conditions for the future occupiers with particular regard to internal space and outlook. Furthermore, it would be harmful to the living conditions of the occupiers of 84 Manor Park with particular regard to outlook. The proposal would therefore be contrary to Policy 15 of the Lewisham Local Development Framework Core Strategy Development Plan Document 2011 (CS), Policy 3.5 of the LP, DM Policies 31 and 32 of the DMLP and the Lewisham Residential Standards Supplementary Planning Document adopted 2006 updated 2012 (SPD). These require that development is of a high quality that meets minimum space standards, ensures that all habitable rooms have a reasonable level of outlook and causes no significant loss of amenity.
16. The Council also refer to Policy 14 of the CS within its reason for refusal. As this Policy relates to Sustainable Transport and Movement I have taken its reference to be an administrative error and it has not been determinative in this main issue.

Family housing

17. 82 Manor Park is a three storey semi-detached property set back from the road with a garden to the rear. It is sited in a line of similar houses within a mainly residential area.
18. DM Policy 3 of the DMLP restricts the conversion of a single family house into flats except where there is a lack of external amenity space and where the

house is adjacent to noise generating or other environmentally unfriendly uses. Neither is the case here and therefore the proposal would be in conflict with this Policy.

19. The findings of the Lewisham Strategic Housing Market Assessment (SHMA) identified that there was a need for the retention and creation of family dwellings. This is defined as per the LP as houses having three or more bedrooms. Furthermore, the Council's Housing Conversion Study demonstrated that 3 to 6 bedroom dwellings represented only an average of about 11% of the new supply in Lewisham between 2008-2011. In the year 2013-14 only 3% of new dwellings delivered across the borough had more than 3 bedrooms representing a considerable shortfall in family housing.
20. I appreciate that the proposal would deliver a three bedroom flat which could be classed as family accommodation. However, it is clear that Policy DM 3 seeks to retain suitable single family houses to meet a local need rather than flats. This would be consistent with the National Planning Policy Framework (the Framework) which supports local planning authorities in setting policies for meeting identified local housing needs.
21. The appellant states that Manor Park falls outside the remit of DM Policy 3 because an increase in house prices within the local area means that the larger properties are not affordable and future occupiers can only afford flats or maisonettes. However, I have seen no evidence to suggest that No 82 has been unsuccessfully marketed as a single residential property. Therefore, I give this suggestion very limited weight.
22. Both parties refer to a planning application that was granted by the Council for the alteration and conversion of No 82 and the construction of a single storey extension at the rear to provide 1 x one bedroom, 1 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 2 car parking spaces cycle and refuse storage in 2011. (Two references: LE/762/82/TP and DC/11/76501/X). However, this was prior to the adoption of the DMLP and the decision was made according to the appellant, with reference to Strategy HSG3 of the Unitary Development Plan 2004. I have not been supplied with a copy of the Policy but he states that it was very similar to DM Policy 3. While that may be the case the SHMA underlies DM Policy 3 and I have seen no similar evidence regarding the previous development plan. I cannot be sure therefore that the previous Policy was predicated on a comparable evidence base as the current DMLP and therefore sought to achieve a similar outcome to DM Policy 3.
23. For the reasons above I conclude that the proposal would have a harmful effect on the supply of family housing in the District. It would therefore be contrary to Policy 3.8 of the LP, Policy 1 of the CS, DM Policy 3 of the DMLP and paragraph 50 of the Framework. These require the retention of suitable single family houses in order to meet a local need and create mixed, balanced and sustainable communities.

Character and appearance

24. The area within which the appeal site is located is mainly formed of large semi-detached properties with rear outriggers most of which are in residential use. There are some variations in the detailing of the properties, but the area has a fairly uniform character and appearance.

25. The two storey infill extension to the rear together with the single storey extension would engulf the rear outrigger so that the original form of the house would be indistinguishable. As a result the traditional rhythm of the rear outriggers along the line of buildings would be considerably eroded. Furthermore, while the extension would be lower than the roof of the house, the considerable enlargement of the outrigger would mean that it would no longer be subservient to the host building but instead would visually compete with it.
26. I accept that the extensions would have very limited visibility from the road. However, they would still be visible from neighbouring properties. The undue prominence of the extensions would therefore be apparent within the wider residential area where I saw no evidence of other such additions within the locality.
27. For the reasons above I conclude that the proposal would be harmful to the character and appearance of the host dwelling and the surrounding area. It would therefore be contrary to Policy 15 of the CS, Policies DM 30 and 31 of the DMLP and the SPD. These require that development is of a high, site specific, and sensitive design quality respect and/or complement the form, setting, period, architectural characteristics, and detailing of the original building and create a positive relationship to the existing townscape.

Flood risk

28. I have had regard to the copies of the plans submitted by the appellant from the Environment Agency's National Flood Risk Map 2014 and the Environment Agency Flood Map for Planning (Rivers and Sea). The scale of the submitted plans makes it difficult to appreciate the exact boundaries of the area at risk of flooding, however it does appear that the rear extension providing living accommodation to the ground floor flat would be within Flood Zone 2. This is confirmed by the EA in its consultation response to the planning application for the proposal the subject of this appeal.
29. Policy 5.12 of the LP requires that development proposals must comply with the flood risk assessment and management requirements set out in the Framework. Footnote 20 of paragraph 103 of the Framework requires that all proposals for new development in Flood Zone 2 should be accompanied by a site specific flood risk assessment (FRA).
30. The appellant has not submitted a site specific FRA. In fact, there is no detailed assessment of the potential flood risk to future occupiers of the ground floor flat. I note that the Environment Agency have objected to the proposal on this basis.
31. The Quaggy River flows alongside the rear boundary of the site. According to the appellant the river is contained within a concrete and brick embankment that is 1.3m above the height of natural ground level of the site. Nonetheless, although the ground floor of the extension would be no lower than the existing house it would be closer to the Quaggy River than the existing property and located in an area of flood risk. Therefore in the absence of a site specific FRA I cannot be sure that the proposal would not result in an unacceptable risk to localised flooding or life or property from future flooding risks.

32. I acknowledge that electrical fittings would be fitted at a height of 750mm above the finished floor level. In addition future occupiers would be advised to subscribe to the Environment Agency flood warning service and to use fixtures and fittings that minimise potential damage in case of flooding. However, these measures would not outweigh the requirement of local and national policy to submit a site specific FRA.
33. For the reasons above I conclude that in the absence of any site specific FRA to demonstrate otherwise, I cannot be sure that the proposal would not result in an unacceptable impact on localised flood risk issues and an unacceptable risk to property and/or life. It would therefore be contrary to Policy 5.12 of the Framework and paragraph 103 of the Framework.

Pedestrian and Highway safety

34. The proposed use of the front garden space for car parking would, according to the appellant's design and access statement, give provision for the parking of 4 cars.
35. However there is no drop kerb in place and the Council confirm that permission is unlikely to be forthcoming in this locality for a drop kerb or a vehicle crossover. This area is also adjacent to a bus stop where pedestrians would be likely to be waiting for a bus on the adjacent footway.
36. The front garden of the appeal property by incorporating 4 parking spaces, would not be large enough to allow for a vehicle to manoeuvre such that drivers can enter and leave the site in a forward gear. This means that conflicting turning movements will occur, with a need for vehicles to reverse onto or off the main road, to the detriment of the safety of pedestrians at the bus stop. I accept that this happens at present at No 80 and, according to the appellant, has not been prevented by either the Metropolitan Police or the Council. However, were this appeal to succeed, it would, in effect, sanction these dangerous manoeuvres.
37. For the reasons above I conclude that the proposal would be harmful to pedestrian and highway safety. It would therefore be contrary to Policy 14 of the CS and paragraph 32 of the Framework. Together, these require, amongst other things, that safe and suitable access to the site is achieved for all people and that the access and safety of pedestrians is promoted and prioritised.
38. The Council also refer to DM Policy 29 of the DMLP. However, this Policy relates to car parking only. I acknowledge that the proposal would be contrary to the requirements of the Policy which states that applications for the conversion of single dwellings into multiple dwellings will not be permitted to use front garden space for off-street car parking. However, the aim of this Policy is to ensure the effective implementation of car limited development and other parking standards, to help minimise congestion and reduce vehicle emissions. Accordingly, it does not directly relate to the pedestrian and highway safety issues raised in this main issue and therefore has not been determinative.

Other matters

39. I note that it is the intention of the appellant and his disabled wife to live in the proposed ground flat as she would be unable to manage the stairs in a house. However, there is no evidence before me to corroborate the view that the

ground floor flat is essential to meet the needs of any future occupier of the property or that those needs, if they were evidenced, could only be met by the scheme proposed. Therefore the weight I give to this matter must be limited and does not outweigh the considerable harm I have found.

Conclusion

40. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR