
Appeal Decision

Site visit made on 25 April 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/C5690/W/16/3159426
53 Hafton Road, London SE6 1LW

- 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 M Lancaster against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096767, dated 23 May 2016, was refused by notice dated 12 August 2016.
 - The development is conversion of dwelling house into 3 flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that is the subject of this appeal relates solely to the change of use of the dwelling to three flats. At the time of my site visit some internal works had been carried out and whilst most of the works appeared to be consistent with the submitted plans, there were some minor deviations with regard to door positions and shower room layout.
 3. At my site visit I saw that a rear roof extension has been constructed and I note from the evidence that the roof extension was the subject of a separate application (Ref DC/16/096759) which was refused by the Council on 19 July 2016. An enforcement notice relating to the rear roof extension and requiring its removal was subsequently issued by the Council on 27 July 2016. Appeals against the refusal of planning permission for the rear roof extension and the enforcement notice were dismissed on 19 December 2016 (Refs APP/C5690/C/16/3157896 & APP/C5690/W/16/3158864).
 4. Whilst I note that the change of use that is the subject of this appeal relies on the existence of the rear roof extension to create three flats and that the roof extension appears to be unlawful, in determining this appeal I have confined my considerations solely to the change of use and associated internal alterations as shown on the submitted plans. As the construction of the rear roof extension did not form part of the appeal scheme, I have not had regard to the impact of its construction in reaching my decision.
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Main Issues

5. The main issues are:

- the effect of the development on the area's stock of family housing and on housing choice in the Borough;
- whether future occupiers of flats 2 and 3 would have satisfactory living conditions having regard to the size of the flats and to the ceiling height of flat 3.

Reasons

Family housing

6. The appeal site comprises a mid-terraced dwelling located in a residential street containing similar dwellings. Though I have not been provided with any floor plans of the dwelling prior to the internal works being carried out, both parties appear to agree that it is a single family house. The appeal scheme would result in the dwelling being converted into two one-bedroom flats and one two-bedroom flat.
7. DM Policy 3 of Lewisham's Development Management Local Plan (DMLP) states that the Council will refuse planning permission for the conversion of a single family house into flats except where environmental conditions mean that the single family house is not suitable for family accommodation due to any of the factors listed. Both parties agree that none of the factors listed are applicable to the appeal site. The justification for the policy states that it is intended to provide housing choice by ensuring that conversions of single family houses into flats does not further reduce the provision of this type of housing, with evidence in the Lewisham SHMA showing that the main need for housing in Lewisham is for family housing which is defined in the London Plan (LP) as houses having three or more bedrooms.
8. The conversion of the dwelling into flats would result in the loss of a family house and would be contrary to DM Policy 3. Though my attention has been drawn by the appellant to two other appeal decisions relating to the conversion of family houses in Lewisham and to the application and interpretation of DM Policy 3 (Refs APP/C5690/W/15/3133186 & APP/C5690/A/14/2227136), in both of these cases at least one three-bedroom residential unit would be created. This is not the case with the appeal scheme and I therefore give limited weight to these other appeal decisions.
9. I note that the appellant states that Hafton Road and the surrounding area is overwhelmingly single dwellings and that the creation of three flats at the appeal site would provide a net increase in residential units and would provide an increased mix and greater choice of housing. Reference is also made to the fact that dwellings can be changed to Houses in Multiple Occupation (HMOs) without the need for planning permission and to the fact that some of the requirements of Core Strategy Policy 2 of Lewisham's Core Strategy (CS) and Policy 3.8 of the LP are met by the appeal scheme.
10. Whilst I acknowledge that the appeal scheme does not appear to be in direct conflict with Core Strategy Policy 1 and that it would increase the number of

residential units at the appeal site, it would nevertheless result in the loss of a family house, a type of housing shown to be needed in Lewisham. DM Policy 3 relates to all single family houses irrespective of the particular housing mix in the immediate surrounding area and therefore the fact that it appears that the majority of the surrounding housing nearby comprises family housing does not justify the loss that would result. I have seen no evidence to suggest that it is likely that the dwelling would be used as a HMO should the appeal fail and as such I attach very limited weight to this fallback position. Similarly I have been provided with no evidence regarding other existing or likely HMOs within the surrounding area.

11. Taking the above matters into consideration, I conclude that the appeal scheme would have an adverse impact on the area's stock of family housing and on housing choice in the Borough. It is therefore contrary to DM Policy 3 of the DMLP and Policy 3.8 of the LP. These policies seek, amongst other things, to retain family housing and to provide a choice of housing.

Living conditions

12. Both parties agree that flat 2 would be a two-bedroom, three person unit and would have a gross internal area (GIA) of 51 square metres. Whilst both parties agree that flat 3 would be a one-bedroom, two person unit there is some disagreement about the GIA with the Council considering it would be 37 square metres compared to the appellant's figure of 42 square metres. Both parties appear to agree that the floor to ceiling height of flat 3 would be 2.2m.
13. DM Policy 32 of the DMLP and Policy 3.5 of the LP set out minimum space standards for new housing development including conversions and generally reflect the standards set out within the nationally described space standard. The standard requires that one-bedroom, two person dwellings have a minimum GIA of 50 square metres and that a two-bedroom, three person dwelling has a minimum GIA of 61 square metres. Irrespective of which GIA is used for flat 3, the GIA of both flats 2 and 3 falls some way short of the minimum space standard. The fact that the floor to ceiling height of flat 3 fails to meet the minimum standard set out in the nationally described space standard adds to the substandard living conditions within that flat.
14. The modest size of the flats together with their particular layouts and level of space that would be provided means that despite no objections being raised by the Council in respect of natural light and ventilation, circulation, storage and private amenity space, I do not consider that future occupiers of flats 2 and 3 would have satisfactory living conditions having regard to the size of the flats and to the ceiling height of flat 3. I do not consider that flat 3 could be considered as a one-bedroom, one person dwelling having regard to the fact that the GIA of the bedroom appears to exceed the minimum standard for a twin/double bedroom.
15. The appeal scheme is therefore contrary to DM Policy 32 of the DMLP, Policy 3.5 of the LP and to the nationally described space standard. These policies and this guidance seek, amongst other things, housing development which provides an appropriate level of residential quality and amenity.

Conclusion

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

Beverley Wilders

INSPECTOR