
Appeal Decision

Site visit made on 12 July 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/C5690/W/17/3173153

1 Mantle Road, London SE4 2DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Acqua Plus Developments Limited against the Council of the London Borough of Lewisham.
 - The application Ref DC/16/098116, is dated 18 August 2016.
 - The development proposed is conversion of part of the vacant ground floor into two residential units; retailing commercial space fronting Mantle Road.
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Decision

1. The appeal is dismissed.

Procedural Note

2. Since the appeal was made the Council has issued its putative reasons for refusal. These are that the proposed development would limit the potential for retail and employment use of the site; would be of poor design in relation to Foxwell Street and would lead to poor living conditions for future occupiers.

Main Issues

3. The main issues are the effect of the development on i) the living conditions of future occupiers of the proposed flats with particular regard to outlook from Flat 2 and provision for cycle and general internal storage; ii) the character and appearance of the building and wider street scene and iii) the provision of retail and employment opportunities in the locality.

Reasons

Living Conditions

4. The proposed Flat 2 would be configured so as to incorporate a relatively narrow and deep main living room area. Furthermore this room would be served by a single window with only very limited separation to the external boundary fence. From the information before me and my visit it seems that this arrangement would result in a poor standard of natural lighting to what would be the principal living space. I am also firmly of the view that it would result in the interior of the room feeling enclosed and 'boxed in', making the occupation of this main living room area oppressive for residents. I conclude that there would be an unacceptably poor standard of light and outlook for
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occupiers of the proposed Flat 2 and therefore unacceptable living conditions for residents. Accordingly there would be conflict with Policy DM32 of the Lewisham Development Management Local Plan 2014 (DPD) insofar as it seeks development to provide a satisfactory standard of outlook and lighting for future occupiers.

5. There is no dispute between the main parties that both of the proposed flats would exceed the minimum internal floorspace required in accordance with the national technical standards¹ as reflected in Policy 3.5 of the London Plan 2016 (LP). Despite the provision of limited built-in storage space with regard to Flat 1, I am satisfied that storage could be adequately accommodated within the overall space available having regard to the quantitative requirements in the aforementioned standards.
6. In order to gain access to the rear of the proposed Flat 2 for cycle storage purposes it would be necessary to pass through the internal area of the flat. Whilst this would not be ideal in terms of preserving hygiene standards, it would be unlikely to happen so frequently as to cause significant inconvenience to occupiers. Details of cycle storage could be secured through a planning condition. Therefore whilst I acknowledge the Council's concerns in this specific regard, I consider that it would not be so unduly harmful as to warrant refusal of planning permission.
7. The development would not result in unacceptable living conditions for residents in terms of cycle parking and internal storage provision and would not conflict with Policies 6.9 of the LP and Core Strategy Policy 14 of the Lewisham Core Strategy 2011 (CS) insofar as they seek to secure adequate cycle parking provision. Whilst I have not found harm with regard to storage and cycle parking provision, this does not overcome the unacceptable living conditions for future occupiers of Flat 2 in terms of natural lighting of and outlook from the main living room area.

Character and Appearance

8. In order to allow for the provision of recessed planting beds, windows in the elevation of the proposed Flat 1 adjacent to Foxwell Street would be set back from the main building elevation. Although the active frontage would be retained allowing for continued natural surveillance over the adjacent street, from the information provided, these windows would be significantly out of alignment, both with the existing apertures at ground level and the upper floor windows above.
9. I do not therefore agree with the appellant that this would constitute a subtle differentiation between the proposed retail and residential units. Rather, it seems to me that it would result in a contrived and incoherent design which leads me to conclude that there would be harm to the character and appearance of the building and the wider street scene.
10. The proposal would therefore be in conflict with Policies 7.4 and 7.6 of the LP; Core Strategy Policy 15 of the CS and Policies DM30 and DM31 of the DPD insofar as they seek to achieve high quality design that has regard to the character of its surroundings.

¹ Technical housing standards – nationally described space standard DCLG 2015

Retailing and Employment

11. Policies within the Council's CS and DPD seek to avoid the loss of retail uses within the Borough's neighbourhood local centres and shopping parades and the loss of employment uses in general, unless evidence is provided that such uses are no longer viable. From the information before me it is uncertain whether the appeal site is within the neighbourhood local centre of Brockley Cross. However I note that the appellant asserts that this is not the case, which has not been disputed by the Council. In any event the site appears to be peripheral to the main retail frontage of Brockley Cross on the opposite side of the railway line. It seems to me that the proposal would not therefore result in harm to the retail function of this local centre.
12. The development would result in a significant reduction in the amount of retail floorspace available at ground floor level. I am satisfied, from the information provided, that despite sustained marketing, a lack of commercial interest in the existing unit, as it stands at present, has been demonstrated. It was apparent from my visit that internally the unit has been constructed in only a most basic form, yet to be fitted out and which includes boarded windows adjacent to Mantle Road and Foxwell Street. The presentation of the unit in this form may have had a significant impact on the effectiveness of the marketing exercise and it is uncertain from the information before me whether further measures, such as the sub-division of the unit, could have resulted in a more successful outcome.
13. However I note that the marketing particulars for the unit refer to the offer of generous incentives to compensate for its 'shell and core' condition and from the evidence provided by the appellant, and undisputed by the Council, concerns regarding lower footfall potential in this location appear to have been cited by a number of potential tenants to explain their lack of interest.
14. Furthermore, rather than eliminate the retail offer on the site, the proposal would secure the retention of a potentially more viable, albeit smaller commercial unit, offering the continued possibility of job creation and a preserved active frontage to Mantle Road. In addition, it was apparent from my visit that there is a sizable Spar outlet on the opposite side of Mantle Road providing convenience goods for local residents in an equally accessible location.
15. Drawing all the above considerations together, I conclude that the proposal would not result in material harm to the provision of retail and employment opportunities in the locality. It would not therefore be in conflict with Policy 4.8 of the LP; Spatial Policy 4 and Core Strategy Policies 5 and 6 of the CS and Policies DM 11, DM 15 and DM 16 of the DPD insofar as they seek to protect local shopping and employment facilities.

Conclusion

16. The proposal would result in two additional units of accommodation which would add to the choice and supply of housing, in a location well related to services, facilities and public transport provision, albeit that the contribution would be very small. I give some weight to this consideration. However, I have found that the proposal would cause harm to the character and appearance of the area and would result in unacceptable living conditions for future occupiers of proposed Flat 2.

17. I must take into account that the Government attaches great importance to the design of the built environment and that good design is regarded by the National Planning Policy Framework (the Framework) as a key aspect of sustainable development. Furthermore the importance of securing a good standard of amenity for all existing and future occupants of land and buildings is recognised as a core planning principle within the Framework. I therefore attach significant weight to these considerations and on balance, though I have not found harm in terms of retail and employment provision in the locality and storage space within the proposed flats, conclude that the proposal would not be the sustainable form of development which has the support of national policy when assessed against the Framework as a whole.
18. Therefore for the above reasons and having had regard to all other matters raised, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR