The Planning Inspectorate

Appeal Decision

Site visit made on 4 July 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/C5690/W/17/3173220
77 Burnt Ash Hill, London SE12 0AQ

- 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 Richard Olufeko against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/16/098622, dated 1 October 2016, was refused by notice dated 26 January 2017.
- The development proposed is new semi detached dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;

   - whether future occupiers of the proposed dwellings would have satisfactory living conditions having regard to the size of the accommodation, means of access and external amenity space;

   - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

3. The Council states that each dwelling would have a floor area of 60.94 square metres and this figure has not been disputed by the appellant. DM Policy 32 of Lewisham's Development Management Local Plan (DMLP) and Policy 3.5 of the London Plan (LP) set out minimum space standards for new housing development and generally reflect the standards set out within the nationally described space standard. The standard requires a minimum gross internal area (GIA) of 70 square metres for a two bedroom, three person, two storey dwelling. The GIA of the dwellings falls well below the minimum standard.

4. Whilst I note that the bedrooms would meet the minimum space standard, as stated above the dwellings would not and the shortfall in the GIA would be significant rather than slight as stated by the appellant. Having regard to this shortfall and to the particular layout of the dwellings, I consider that the level of accommodation would be unsatisfactory and cramped. Though the appellant states that the dwellings would have large lofts, these would not provide

additional living accommodation and this does not therefore count towards GIA or overcome the shortfall on the ground and first floor of the dwellings.

5. The dwellings would be located to the rear of the existing building at the appeal site. Pedestrian access would be via a reasonably long footpath accessed via an existing side gate which currently provides private pedestrian access to a basement flat within the existing building. The dwellings and the entrances to them would not be visible from the public realm and having regard to the length and route of the proposed footpath, adjacent to steps down to the basement flat, I do not consider that the dwellings would be provided with safe, secure and convenient access which would meet the functional requirements of future residents.

6. External amenity space would be provided to the rear of the proposed dwellings. The rear gardens would have a depth of 4.5 metres and an area of 20.25 square metres. The appellant states that private space would also be provided to the front of the dwellings though it is not clear from the submitted plans where this would be located and what size it would be.

7. The Council's Residential standards supplementary planning document (SPG) adopted in August 2006 and updated in May 2012 states that gardens for dwellings should be a minimum of 9 metres in depth. DM Policy 32 states that new build housing development will be required to be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. The appellant has made reference to the minimum standards for amenity space within the London Housing Supplementary Planning Guidance though I have not been provided with a copy of this document. However, notwithstanding this and whilst I note that the proposal fails to meet the SPG standard, having regard to the size, shape and location of the proposed rear gardens, I consider that the external amenity space proposed would be useable and satisfactory for the size of dwellings proposed.

8. Taking the above matters into consideration, I conclude that whilst the dwellings would be provided with satisfactory external amenity space, future occupiers of the proposed dwellings would not have satisfactory living conditions having regard to the size of the accommodation and means of access. The proposal is therefore contrary to policies 3.5, 7.4 and 7.6 of the LP, Core Strategy Policy 15 of Lewisham's Core Strategy (CS), policies DM 30, DM 32 and DM 33 of the DMLP, to guidance contained in the SPG and to the nationally described space standard insofar as the policies and guidance relate to internal space standards and to means of access. These policies and this guidance seek, amongst other things, high quality housing developments that provide high quality indoor spaces and a proper means of access.

Character and appearance

9. The appeal site comprises a large three storey plus basement detached Victorian property that is in use as flats. The basement flat and large rear garden is accessed via a side gate and the rear garden is not visible from the road. Other buildings on Burnt Ash Hill in the vicinity of the appeal site are similar in scale to the existing building and all front the road, as do the majority of other properties nearby with the exception of a cul-de-sac at Horncastle Close.

10. The Council states that the appeal site is a perimeter form residential typology, that Victorian detached villas are considered to be the lowest density perimeter blocks and that their back gardens are considered to be an important amenity resource making an essential contribution to the character and quality of the residential area. Policy DM 33 of the DMLP states that the development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study (LCS) will not be granted planning permission. Though I have not been provided with a copy of the LCS, I am satisfied that the appeal site is a perimeter form residential typology. The existing building on site is a Victorian detached villa with a long and large rear garden similar to the adjacent properties at 73-75 and 79 Burnt Ash Hill. The position of these large buildings and their setting within their gardens contributes to the character of the area and the proposal would be harmful to the character of the area.

11. I accept that the plot sizes would be similar to others nearby, that there are varying typologies within the immediate area including tandem development on Horncastle Close and that the proposed dwellings would not be large in scale, prominent or visible from the road. However the proposal would nevertheless be out of character with this particular part of Burnt Ash Hill and would differ from any other nearby dwellings in that the dwellings would be completely landlocked with no road frontage. This would be different to the dwellings on Horncastle Close which form a cul-de-sac and are accessed off a road.

12. Taking the above matters into consideration, the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to relevant paragraphs of the National Planning Policy Framework, Policy 7.4 of the LP, Spatial Policy 1 of the CS and Policy DM 33 of the DMLP. These policies seek, amongst other things, to ensure that development is well designed and has regard to the pattern and grain of the existing spaces and streets.

Other Matters

13. In reaching my decision I have had regard to the fact that the proposal would provide two additional dwellings in an accessible location and would contribute to the housing supply for the area. It would also bring some modest economic benefits. However these benefits would not outweigh the harm that I have identified.

Conclusion

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

Beverley Wilders

INSPECTOR