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The Planning Inspectorate

Appeal Decision

Site visit made on 16 May 2019

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 07 June 2019

Appeal Ref: APP/C5690/W/19/3223329
159 Davenport Road, London, SE6 2AT

- 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 Wasiu Ayemojuba against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/18/108769, dated 19 September 2018, was refused by notice dated 23 November 2018.
- The development proposed is the conversion of the existing 4 bedroom house into two separate flats (3 bed flat and 2 bed flat); works to consist of a separate access to the lower ground floor, alteration to lower ground floor staircase to provide new bathroom, and provide an additional bathroom at first floor.

Preliminary matters

1. The works set out in the application form and drawings were underway at the time of my site visit.

Decision

2. The appeal is dismissed.

Main issues

3. The first main issue in this appeal is whether the proposed development is consistent with the local planning authority's planning policy relating to the range and mix of housing stock within the Borough. The second main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Range and mix of housing

4. DM Policy 3 of the Lewisham Development Management Local Plan (November 2014) 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'*. The supporting text to this Policy explains, with reference to the Council's Strategic Housing Market Assessment, that the main need for housing in the Borough is for family housing and that further conversion of houses to flats should be limited.

5. The appeal property does not satisfy the criteria for when houses might be converted to flats, ie the site is not adjacent to a noisy or environmentally unfriendly use, and there is not inadequate amenity space: it is on an established residential road with a garden to the rear. The proposed conversion of the house therefore conflicts with this Policy.

6. The appellants state that, as the proposed conversion would see a three bedroom flat provided, this meets the requirement of the Policy. However, DM Policy 3 is clear in the circumstances where the loss of family houses to flats is permissible, and it appears to me that this is part of the Council's adopted strategy to manage any such change of use of family housing, ie it is only in specific circumstances.

7. In any event, the submitted drawings show the 3-bedroom flat at the upper floors with no access to the rear garden. The flat would also fail to meet the Nationally Described Space Standards in a number of regards. I saw at my site visit that the layout, size and configuration of the 3-bedroom flat would not be conducive to family living. Thus, I do not consider the 3-bedroom dwelling to represent a family dwelling. The proposed lower ground floor 2-bedroom dwelling also fails to meet the Standards, and hence this is another failing of the appeal scheme.

8. The development would therefore result in the loss of good quality family accommodation. The proposal conflicts with the Council's strategy of seeking a range and mix of housing stock within the Borough, and so is contrary to DM Policy 3 of the Local Plan. It further conflicts with DM Policy 32 of the Local Plan, Policy 15 of the Lewisham Core Strategy (June 2011), the Nationally Described Space Standards (2015) and Table 3.3 of the London Plan (2016), which seek to ensure adequate space and living conditions for future occupants.

Character and appearance

9. The conversion of the property has been accompanied by works to the front of the property, including the installation of a new window and door in the lower ground floor and window. I saw such changes have occurred at some other properties in the road, and this change is not out of character.

10. There have also been notable changes to the front garden area, with new stairs, changes to the landform and walls. This hard landscaping works is somewhat over-dominant in the street due to the scale of works, the thick and high walls and hard-surfaced areas. I recognise that the wider street sees off-street parking, hard areas, etc, but those appear at a lower-scale than the appeal property with a more open appearance than the over-dominant affect created at No. 159.

11. The extent of works, walls and stairs at the front leads me to share the concerns of the Council that further works to accommodate cycle stores for the new flats would be unacceptable; I do not agree this could be dealt with by condition, as there is no clear location for the matter to be resolved.

12. On the second main issue it is therefore concluded that the development is harmful to the character and appearance of the surrounding area, and so conflicts with Policy 15 of the Core Strategy, and DM Policy 30 and DM Policy 31 of the Local Plan.

Conclusions

13. The appellant has referred me to the conversion of flats in the vicinity. The case at 161 Davenport Road was a Certificate of Lawfulness issued in 2014 which, as the Council explains, was confirmation that a previous unlawful conversion of the property had been carried out for more than 4 years and so not a grant of planning permission. The other case at 96 Davenport Road was granted permission in 2005, which is well before the date of the adoption of the current development plan. I must make my decision based on the relevant policies in the current development plan. These two decisions therefore do not change my conclusions.

14. I acknowledge that the proposed development would lead to an additional dwelling within the built up area, and this would make the more efficient use of land for housing. However, I must balance that objective against other matters of acknowledged importance. The proposed development is clearly contrary to the development plan and the appeal is dismissed accordingly.

C J Leigh

INSPECTOR