



Appeal Decision

Site visit made on 26 February 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/C5690/W/18/3212802

183 Lewisham Way, London SE4 1UY

- 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 Michael Wattyler against the decision of the London Borough of Lewisham.
 - The application Ref DC/18/106922, dated 27 April 2018, was refused by notice dated 7 September 2018.
 - The development is described on the Council's Decision Notice as "A retrospective application for the change of use of the ground floor of 183 Lewisham Way, SE4 from retail (Use Class A1) to financial and professional services (Use Class A2) and residential (Use Class C3) in the form of a one bed, two person dwelling, together with the proposed construction of a single storey rear extension, changes to the rear fenestration and insertion of two rooflights."
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Decision

1. The appeal is allowed and planning permission is granted for change of use of the ground floor from retail (Use Class A1) to financial and professional services (Use Class A2) and residential (Use Class C3) in the form of a one bed, two person dwelling, together with the proposed construction of a single storey rear extension, changes to the rear fenestration and insertion of two rooflights. at 183 Lewisham Way, London SE4 1UY in accordance with the terms of the application, Ref DC/18/106922, dated 27 April 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be completed and retained in accordance with the following approved plans:
A101 Rev C; A102 Rev C; A103 Rev C; A151 Rev C; A152 Rev C; A163 Rev C.
 - 2) Within 28 days of the date of this decision notice, details of the siting and design of refuse and recycling facilities shall be submitted to the local planning authority for approval. The facilities shall be provided within 28 days of the local planning authority's written approval of the details and thereafter, the facilities shall be retained for their specific purpose. The bins shall be left on Lucas Street on collection day.
 - 3) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat-roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out,

nor shall the roof area be used as a balcony, roof garden or similar amenity area.”

Procedural Matters

2. The description of development in the heading above has been taken from the Council’s Decision Notice. This description differs from that on the planning application form and appeal form, particularly in relation to the wording of the ‘Use Class A2’ element of the proposal. I have used the above description as this accurately reflects the proposal before me and the relevant legislation. Whilst the appellant states in Part E of the appeal form that the description of development has not changed, I note that the amended wording is used in his appeal statement. The amended wording was also used in notifications of the appeal. I therefore consider that there would be no harm to my considering this appeal on the basis of my amended description. I have removed reference to the retrospective nature of the application and the address from the description in my formal Decision as these are superfluous in this case.
3. At the time of my site visit, I saw that the development of the conversion to residential accommodation had commenced internally, with the rear extension and access arrangements outstanding. These elements of the development are not disputed between the parties and so my consideration remains that of the access.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issue

5. The main issue is whether the development would provide acceptable living conditions for future residents with regard to access arrangements.

Reasons

6. The building is a mid-terrace high street unit, with an insurance company operating at ground floor with living accommodation above. Currently the commercial unit is accessed via a central outer door from the street into a small lobby, then through an internal central door into the main unit. The first floor living accommodation is accessed separately.
7. The appellant has explained that the proposed access arrangements have evolved over time following the refusal of a previous scheme and subsequent pre-application discussions with the Council.
8. Standard 8 of the Housing Supplementary Planning Guidance of the 2016 London Plan (SPG) says that all main entrances to ground floor flats should be visible, clearly identifiable, and directly accessible from the public realm. The SPG aims much of Standard 8 at new apartment buildings, where it is important to ensure that design of shared circulation areas and the ‘arrival’ at a building are important.
9. Whilst the door for the flat is not directly accessible from the street, I have taken into account that this is an existing building and it is being adapted. I have also taken into account the proposed retention of the glazed windows on

the street frontage which would help with identifying the residential unit. The appellant has confirmed that signage would be used to direct people to the correct place.

10. The flat would be accessible from the street, albeit via an internal lobby which is not wholly unusual for communal areas whether they be entirely residential or a mixture of uses. I have seen from my site visit that not all living accommodation at properties on Lewisham Way is accessed directly from the street. Additionally, the residential element of the appeal site remains accessible from the rear, from Lucas Street, and I was able to see that other residential units are also accessible from here.
11. The Council raise concern about potential conflicts between residents and visitors of the flat and customers to the commercial unit, in particular having to close the shopfront door before proceeding to the residential unit. The internal lobby is small however allows room for circulation within it. The proposal would enable users to enter the lobby and move either to the left or right of the building for the commercial unit or flat accordingly.
12. If the shopfront door on the street were to be left open, customers of the commercial unit would need to shut the external door to access the internal door and this, to me, would appear to be the only conflict. However I am satisfied that both visitors for the commercial unit as well as the residence would be able to access either with relative ease. Notwithstanding this, there would remain two doors available for commercial and residential uses. The commercial unit door would be glazed, distinct from the solid door serving the flat. There is also a secondary internal lobby for the flat which is separate to the communal area, thus providing occupants with an independent access once they are in the building.
13. Standard 8 of the London Plan SPG requires all main entrances to communal entrance lobbies to be visible, clearly identifiable and directly accessible from the public realm. I consider that the proposal complies with this standard. I am of the opinion that the internal lobby area is communal, and this remains clearly identifiable and directly accessible from the public realm.
14. I therefore conclude that the proposal would not harm the living conditions of future residents with regards to access. Policy 32 of the Development Management Local Plan expects new residential development to meet certain standards, including functional requirements of future residents. Policy 30 deals with Urban design and local character of development, providing general principles as well as detailed design issues, including direction on access arrangements. Policy 3.5 of the London Plan expects that housing developments to be of high quality internally, externally and in relation to their context and to the wider environment.
15. As discussed above, I am satisfied that the proposed access arrangements are not in conflict with these policies, or that of the Framework, which seeks to ensure that development should maintain a strong sense of place, using spaces to create attractive, welcoming and distinctive places to live, work and visit.

Other Matters

16. I have taken into account of the comment raised locally with regard to the issues of fly tipping and poor maintenance. The Council have suggested

conditions to ensure that refuse and recycling bins are provided for the residential unit. Whilst I am not able to directly attribute the fly tipping to the appeal site I consider that such a condition would help to provide a control mechanism and is a reasonable condition. It is possible also, that with residential use of the unit may come within it improved maintenance of the site, including control of rubbish.

17. I also acknowledge the concerns raised about safeguarding with regard to the nearby primary school. I note that there is fencing between the appeal site and the alleyway, which separates the appeal site and the boundary to the school. The alleyway is not within the appeal site, nevertheless there is a flat roof which could provide extended views if the flat roof were used as a sitting out area. The Council has suggested a condition which prevents the insertion of access to the roof space, or the use of it as an amenity area. Given the elevation of this area and the close relationship to neighbouring properties and the school, I consider that this condition is reasonable and enforceable and passes the other tests of conditions as set out in the Planning Practice Guidance.

Conditions

18. I have imposed conditions as set out in my decision above, having had regard to the proposal and the guidance set out in the Planning Practice Guidance.
19. I have reviewed the conditions suggested by the Council, having had regard to the proposal and the guidance set out in the Planning Practice Guidance. It is necessary to require compliance with the submitted plans as this provides certainty and I have rationalised these to make it clear which are relevant to the development.
20. As the development has commenced, the time limit condition suggested is not necessary. As discussed above, I consider that the condition requiring refuse and recycling bins is reasonable and necessary and will help to alleviate any fly-tipping issues. The suggested condition lacks precision and requires the submission of further details for approval. Given development has commenced, time period requirements are necessary for the submission of details and implementation following approval. The restriction of permitted development rights to ensure that the flat roof is not used as amenity area also serves to protect the amenity of neighbouring properties and the school from unacceptable overlooking.
21. The Council have also requested that cycle parking be provided at the appeal site. In light of the policies within the London Plan and the Core Strategy to enable sustainable movement and encourage cycling in London, I consider that the proposed condition is reasonable, necessary and relates to the use of the building as a dwelling and commercial premises. In all other respects I consider that the condition meets the tests as set out in the Planning Practice Guidance.

Conclusion

22. For the reasons above and taking all other matters into consideration I find that the appeal should be allowed.

Rebecca Thomas

INSPECTOR