



Appeal Decision

Site visit made on 15 October 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2019

Appeal Ref: APP/C5690/W/19/3231827

13 Farley Road, London, SE6 2AA

- 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 c/o Agent, Mr Allen Sacbucker against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/109934, dated 30 November 2018, was refused by notice dated 1 March 2019.
 - The development proposed is described as 'Conversion of building from two to four self contained flats and the erection of a part ground floor and part first floor rear extension'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has drawn my attention to inaccuracies with regards the existing plans submitted with the application. I have had regard to these inaccuracies which have not been commented on by the appellant and based my decision on the plans submitted as evidence.
3. The Council's Officer report refers to Flat 4 as a two-bedroom, three-persons unit. The drawing¹ submitted with the original application, on which the Council based its decision, indicates that Flat 4 is proposed as a one bedroom, two persons flat and I have determined the appeal on that basis.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the host property and the surrounding area; and,
 - The living conditions of the occupants of the neighbouring properties; and,
 - The living conditions of the future occupants.

¹ Drawing: Proposed Plans Rev A

Reasons

5. The development proposed would alter and convert No 13 and construct a part single and part two storey extension at the rear to provide four self-contained flats. On the front elevation a bay window at basement level is proposed, in front of which would be a lightwell.

Character and Appearance

6. The appeal premises, No 13 Farley Road (No 13), is a two storey, plus basement and attic space, double fronted detached period building, appearing as three storey to the rear. Farley Road is predominantly residential in character with the majority of properties dating from the late Victorian period and are either double fronted or terraced.
7. The development proposed would demolish the existing conservatory and partial demolition of the original two storey rear projection. The enlarged ground floor would extend approximately 2.8m adjacent to the shared boundary with No.11 Farley Road (No 11) and extend approximately 5.6m on the boundary with No.15 Farley Road (No 15), stepping in approximately 1.7m and extending out for a further approximately 1.7m on both boundaries.
8. The two-storey element would be set back approximately 1.7m from the western flank wall and extend approximately 4.5m. It would extend approximately 2.8m on the shared boundary with No.15, stepping in approximately 3.6m to meet with the side wall of the original two storey projection and then extend approximately for a further 1.8m, resulting in a two-storey projection with a depth of approximately 4.5m.
9. The single storey element would have a maximum height of approximately 2.6m and the two-storey element would have a maximum height of approximately 5.6m and an eaves height of approximately 4.6m. The single storey elements would have flat roofs, whilst the two-storey element on the eastern side would have a mono-pitched roof and the enlarged two storey projection would have pitched roof with a flat top.
10. Whilst the appellant states that the proposed lightwell to the front of the basement bay window would improve the habitable space in the basement of No 13, it is also acknowledged that there are no lightwells in the locality. Based on my site visit, the proposed lightwell to the basement bay window would be an anomaly in the street scene and would significantly detract from the character and appearance of the host property.
11. I conclude that the proposed lightwell would have a significant adverse effect on the architectural integrity of the host property and the character and appearance of the surrounding area and would be contrary to policies 7.4 and 7.6 of the London Plan (2016) (LP), Policy 15 of the Core Strategy (2011)(CS) and policies DM 30 and DM 31 of the Lewisham Development Management Local Plan (2014) (DMLP), which when read together seek to ensure development is to the highest quality which has regard for the local character and which includes alterations and extensions to existing buildings.

Living conditions of occupants of neighbouring properties

12. Policy 15 of the CS and Policy DM 31 seek to ensure that residential extensions do not result in the loss of amenity to adjoining houses and their back gardens.

The existing separation of approximately 1m between No 11 and No 13 would be maintained and I note that the Council states that there would be no effect on the right to light for the occupiers of No 15, which during my site visit I noted had a single storey rear extension.

13. Based on my site visit, the effect of the development proposed would be to significantly limit the amount of sunlight and daylight to the rear of No 11 and No 15 as both properties are north facing due to the increase in overshadowing that would be created by the height of the proposed rear extension. This would be detrimental to the living conditions of the occupiers of both neighbouring properties. Even though the two-storey element is set back and the staggered single storey reduces some of the visual impact, the proposed two storey extension would appear overbearing.
14. I conclude that the development proposed given its scale, siting and height would have a significantly adverse effect on the living conditions of the occupiers of the neighbouring properties and would be contrary to Policy 15 of the CS, Policy DM 30 of the DMLP and the guidance provided in the Residential Standards Supplementary planning document (2012), which when read together seek to ensure development attains a high standard of design including alterations and extensions to existing buildings.

Living Conditions of future Occupants

15. Policy DM32 of the DMP and Policy 3.5 of the LP set out the requirements with regards the standard of accommodation and is based on The Mayor of London's Housing Supplementary Planning Guidance, which has adopted the nationally described space standards (NDSS).
16. The appellant acknowledges that the gross internal area (GIA) for the proposed flats 1,2 and 3 fall below the required space standards. Flat 1 would have a GIA of approximately 74.3m² which would be significantly below the required GIA of 84m² for a three bed, 4 persons flat. Further, Bedroom 1 is shown to be in the basement and even though it is proposed to create a front lightwell which the appellant states would improve the ventilation in the room, the resulting outlook would be unacceptable as the wall of the lightwell would be approximately 80cm from the window.
17. Flats 2 and 3, which are proposed to be single occupancy one-bedroom units would have a GIA of approximately 37.7m² and 37.3m² respectively, falling below the required GIA of 39m². Flat 3 would also fail to provide the required minimum storage area and would be north facing only, which would be contrary to Policy DM32 of the DMLP and whilst the appellant states that it is an existing situation, the development proposed should not provide an unacceptable standard of accommodation. Flat 4 would be a 1 bedroom, two persons flat with a GIA of approximately 52.8m² which would meet the required internal standards.
18. Whilst the appellant states that the proposed single occupancy flats would provide a mix of appropriate units, these are not considered by the Council to provide long term sustainable solutions to long term housing needs and would only be supported in exceptional circumstances. On the basis that the design and standard of accommodation proposed would be below the required standard and No 13 is not considered to be in a highly accessible location with a PTAL rating of 4, exceptional circumstances would not apply in this case.

19. With regards the provision of outdoor living space and the standards set out in the LP, the individual rear patio and garden area for Flats 1 and 2 would exceed the minimum requirement of 5m² and would therefore provide an acceptable level of provision. However, the communal area to the rear of the proposed gardens for Flats 1 and 2, would be shared by the future occupants of Flats 3 and 4 and would not be a generous size and poorly located, accessed via a footway to the side of the host property. Therefore, the proposed outdoor living space for Flats 3 and 4 is not considered to provide an acceptable level of provision. The appellant has not substantiated why it is considered that the outdoor living space is considered to be satisfactory in any way.
20. I conclude that the design and quality of accommodation proposed would not meet the standards set out in the NDSS and would result in unacceptable living conditions for the future occupiers of the development proposed and would be contrary to Policies 3.5, 7.4 and 7.6 of the LP, Policy 15 of the CS and Policies DM 30 and DM Policy 32 of the DMLP, which when read together seek to ensure development provides suitable standards of residential accommodation, including outdoor living space for its future occupiers.

Other Matters

21. The appellant has referred to the NDSS with regards the GIA of Flats 3 and 4 and states that had a shower room been provided instead of the indicated bathroom the GIA would have been able to meet the required standard. Whilst this may be the case, I have determined the appeal on the basis of the evidence before me and it does not change my decision.
22. The appellant has referred to the lawful use of No 13, but as this has not been raised as an issue by the Council, I have not pursued this matter any further. I have had regard to and observed during my site visit the reference to other extensions in the area, but as no details have been submitted as evidence, it has not altered my decision.
23. I have had regard to the concerns raised by interested parties including issues relating to rubbish, noise and the use of the flat roofs as terraces, but as I have dismissed the appeal on the main issues, I have not pursued these matters any further.

Conclusion

24. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR