



Appeal Decision

Site visit made on 25 September 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2019

Appeal Ref: APP/C5690/W/19/3231902
209-211 Bromley Road, London SE6 2PG

- 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 Yogarajah Susilan against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110775, dated 16 January 2019, was refused by notice dated 10 April 2019.
 - The development proposed is conversion of existing two flats units to four flats units, above existing shops.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing two flats units to four flats units, above existing shops at 209-211 Bromley Road, London SE6 2PG in accordance with the terms of the application Ref DC/19/110775, dated 16 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18/468/000-0S, 18/468/L-001, 18/468/L-002 Rev E, 18/468/L-003 Rev C, 18/468/L-004 Rev C, 18/468/L-005, 18/468/L-006, 18/468/L-007, 18/468/L-008, 18/468/L-009, 18/468/L-010, 18/468/L-011, 18/468/L-012, 18/468/L-015, 18/468/L-016, 18/468/L-017, 18/468/L-018, 18/468/L-019, 18/468/L-020, 18/468/L-021, 18/468/L-022, 18/468/L-023, 18/468/L-024, 18/468/L-025.
 - 3) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 18/468/L-025 for six bicycles to be parked, and that space shall thereafter be kept available for the parking of bicycles.

Procedural Matter

2. Following submission of the appeal, the appellant clarified that the site address on the application form was inaccurate and requested that the address given on the Council's delegated report and decision notice be used instead. I have duly used this address in the banner heading above.

Main Issue

3. The main issue is whether the proposed flats would provide an appropriate level of residential quality having regard to standards of design and accessibility to services and facilities.

Reasons

4. The appeal site is located within a terrace of commercial units along the busy A21 Bromley Road and close to residential housing. At ground floor, a retail unit spans two shop fronts with two independent front door accesses side by side for entry to flats 209 and 211 Bromley Road, above the shop. Both flats are two-bedroom, largely the same size and were occupied at the time of my visit. There is a large off-shot to the rear elevation with a yard area and access to the back lane.
5. The proposal would entail dividing up each of the flats to provide a two-bedroom self-contained flat at first floor and at second floor the space would be converted into a single bedroom flat. Modifications are proposed to external elevations of the property to facilitate the development and to include a fire escape to the upper floors.
6. The area of dispute relates to the second floor accommodation to each property that the appellant argues would provide a high-quality form of development and would be located within a sustainable location with good access to local amenities and transport links.
7. DM Policy 32 of the adopted Lewisham Local Development Framework Development Management Local Plan November 2014 (DMLP) sets out how new residential development can achieve high quality design and internal layout. It states that all new development should achieve satisfactory privacy and outlook levels, and internal spacing standards to meet those specified in the London Plan, as well as consideration of internal layouts and storage, amongst other matters.
8. In respect of the requirements of part 4, the flats would meet parts a) and b) as they would be 41sqm each which exceeds the minimum space standards of the London Plan at 37sqm by approximately 10%, with acceptable ceiling heights that are not in dispute. With regards to part c), the front of the property is west facing and the rear is east facing, with no overshadowing buildings around with a number of rooflights and windows to be positioned to serve habitable rooms which would be acceptable to gain significant light levels as well as ventilation. Furthermore, there is nothing to concern me that acceptable privacy levels would not be achieved. The internal arrangement would allow for a separate living/kitchen/dining space and separate bedroom and shower room, and therefore the layout would be acceptably functional as a one bed flat, together with storage provision to satisfy criteria f). As family housing is not proposed, part d) is not relevant to this proposal.
9. Part 4 e) of DM Policy 32 opposes single occupancy dwellings unless in exceptional circumstances, subject to achieving exceptional design quality, and being in a highly accessible location. There is no definition within the policy or justification text of 'exceptional circumstances' or what reflects 'exceptional design quality'. Therefore, in the absence of guidance in this respect, it is not unreasonable for an applicant to otherwise focus on the relevant standards set

out in the London Plan. I have found that the proposal would meet, and in some cases, exceed these standards, and overall both flats would provide an acceptable standard of accommodation in line with the overarching aims of DM Policy 32.

10. Turning to the matter of highly accessible locations, the site is located in an area with a Public Transport Accessibility Level (PTAL) rating of 4, described as having a 'good' standard of accessibility to public transport. I noticed the location of bus stops on the same side of the road at the site, and the short distance to walk to the bus stop to the north west of the site which provides a number of bus links to various interchanges. I also note the accessibility of the site to Bellingham train station. In this respect I consider the site to be acceptably located to access public transport.
11. Furthermore, in terms of access to other amenities, there are two public parks within walking distance of the site. In addition, the site is located within a terrace with a choice of commercial and retail services.
12. I recognise that the Council argues that small studio flats intended for single person occupation are not considered to provide long term, sustainable solutions to housing need, however no clear evidence has been put forward to explain this position. Instead, the appellant points to the London Plan (2016) housing target, which is not disputed by the Council. These indicate significant demand for single person housing across London. The proposal would contribute to achieving these targets and would add to the range and choice of accommodation in the Borough.
13. Therefore, having reflected on the aims and objectives of the DM Policy 32 and bringing all matters together, I am satisfied that the proposal would contribute to long-term sustainable solutions to housing need by providing acceptable living accommodation within a highly accessible location. Therefore, the proposal accords with DM Policy 32 of the DMLP. The proposal is also compliant with the aims of the London Plan and the National Planning Policy Framework (the Framework) to achieve well-designed places, and the London Plan Housing Supplementary Guidance.

Conditions

14. I have considered the suggested conditions in light of the Planning Practice Guidance and Paragraph 55 of the Framework. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty and a condition in relation to cycle storage is reasonable and necessary in order to provide secure cycle parking facilities for the occupants to promote sustainable transport.

Conclusion

15. For the reasons I have given above, the appeal should be allowed.

Alison Scott

INSPECTOR