
Appeal Decision

Site visit made on 20 August 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/C5690/W/19/3229545

114 Wood Vale, London SE23 3EB

- 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 Malde Properties Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/108968, dated 18 September 2018, was refused by notice dated 11 December 2018.
 - The development proposed is conversion of dwelling into three self-contained flats with rear dormer to main roof. Two one bed flats, one two bed flats.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description in the header above is taken from the planning application form. However, the description on the appeal form and Council's decision notice is "the alteration and conversion of the upper floors of 114 Wood Vale, SE23 to provide 1 one bedroom self-contained flat and 2 two bedroom self-contained flats, together with the construction of a dormer extension to the rear roofslope, installation of rooflights to the front roofslope and alterations to the elevations". This more accurately describes the scheme and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on (i) local housing mix; (ii) the character and appearance of the host building, its wider terrace and the Forest Hill Conservation Area; and (iii) whether the proposal would provide adequate living conditions for future occupants in terms of internal space provision and outlook.

Reasons

Local Housing Mix

4. The appeal site is a 3-storey, mid-terrace property which includes a retail unit on the ground floor and a single five-bedroom vacant residential unit above.
5. Policy 1 of the Lewisham Core Strategy June 2011 (CS) and Policy 3 of the Lewisham Development Management Local Plan November 2014 (LP) reflect the approach of the London Plan 2016 in respect of seeking to ensure the

provision of a choice of homes of differing types and sizes. Specifically, LP Policy 3 is intended to assist in the provision of choice by ensuring that the conversion of single family houses into flats does not further reduce the provision of this type of housing.

6. There is some dispute as to whether LP Policy 3 applies because the appeal property is a flat and not a house. Notwithstanding that the policy specifically refers to the prevention of converting houses to flats, it is nonetheless clear from the supporting text and the aims of the development plan as a whole, that the intention of the policy is to retain, where suitable, dwellings which provide three bedrooms or more. This is the size of dwelling considered to be family housing. I see no reason why the policy should not therefore apply to the appeal proposal.
7. Whilst I acknowledge that the proposed development would provide additional housing that would add to the local housing mix, no specific evidence or justification has been provided to demonstrate that the appeal property is not suitable for family living or that the type of housing proposed would meet an identified local need.
8. In the absence of such reasoning, I conclude that the proposal would result in the unjustified loss of family housing which would negatively impact on local housing mix, contrary to Policy 1 of the CS and Policy 3 of the LP which seek to ensure the provision of a choice of homes of differing types and sizes.

Character and appearance

9. Whilst the appeal building is not locally or statutorily listed, it is situated within the Forest Hill Conservation Area (FHCA) and as such benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. The character of the FHCA is predominantly residential with a fine collection of mostly Victorian and Edwardian houses. The appeal site forms part of a Victorian terrace containing a parade of shops, some of which have been converted into residential uses at ground floor level. As a group, the three-storey terrace makes a strong impression on the street scene and provides interesting contrast in scale to other residential buildings in the vicinity. A listed K2 telephone box exists to the front of the host terrace.
10. The appeal property, along with surrounding buildings, plays a role in defining the character of the area, which is part of the Conservation Area's distinctiveness and significance as a designated heritage asset. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The roofscape of the appeal building and its host terrace make a distinctive contribution to the street scene and the overall appearance of this terrace. To the rear the roof slopes are generally free from dormers; several roof lights are present, including on the appeal building. Although not visible from the street the proposed dormer would, by virtue of its positioning (off-centre and abutting the chimney), its flat roof form, its window proportions in relation to the existing fenestration in the building and the use of artificial slate, be out of keeping with the appearance of the host building and the established form of development within the wider terrace. While the resultant harm would be less

than substantial, the proposed dormer would nevertheless fail to preserve the character and appearance of the host building, its wider terrace and the FHCA.

12. Whilst I acknowledge that there is a large dormer situated at the rear of one of the properties within the terrace, I am not fully aware of the particular circumstances of that case and, in any event, I must consider the appeal scheme on its own merits. The existence of other similar development near to the appeal site does not justify the harm that I have found in this case.
13. I conclude that the proposal would adversely affect the character and appearance of the host building and its wider terrace, and it would fail to preserve the character or appearance of the FHCA. This would be contrary to Policies 7.4, 7.6 and 7.8 of the London Plan March 2016, Policies 15 and 16 of the CS and Policies 30, 31 and 36 of the LP. These policies relate to good quality design, requiring protection of the character of the district and conservation of the character and appearance of the heritage asset.

Living conditions

14. LP Policy 32 reflects the standards of the London Plan in respect of minimum internal floorspace for new development. The parties do not agree on whether the proposed flats would meet the space standards. However, the appellant acknowledges that at least one of the proposed flats falls short in respect of the standards. In addition, no sectional drawings have been provided in order to allow an assessment of floor to ceiling heights to be undertaken. Given that Flat 3 proposes accommodation in the roof space, without these details, further uncertainty to the acceptability of the proposed layout remains.
15. Given that the London Plan space standards are minimum requirements which are intended to act as a benchmark for high design quality, any shortfall is unlikely to be appropriate and the proposal therefore conflicts with the standards in principle. Whilst the plans do show that Flat 3 would be dual aspect, private amenity space for Flat 1 would be provided and there would be storage provision in Flat 2, compliance with the standards in these respects does not compensate for the overall shortfall in internal space and the poor outlook from the second-floor bedroom that would be experienced by future occupiers of Flat 1. The layout of the scheme would result in a cramped environment for future occupiers.
16. I agree with the Council that there would be no harm to the living conditions of the occupants of neighbouring properties and that the proposed flats would receive adequate ventilation and good levels of sunlight and daylight. However, these matters do not alter the harm to the living conditions of future occupiers that I have identified.
17. I therefore conclude that the proposed scheme would result in harm to the living conditions of future occupiers with regard to internal space and outlook. This would be contrary to Policy 32 of the LP and Policy 3.5 of the London Plan 2016 which seek to ensure that new residential development is of a high standard of design and layout, such as to meet the functional requirements of future residents.

Planning Balance

18. Paragraph 193 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a

designated heritage asset, great weight should be given to the asset's conservation. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, as in this case, the harm should be weighed against public benefits of the proposal.

19. The proposal would re-use previously developed land and increase housing supply. There would also be some improvement to the appearance of the appeal building by the potential reinstatement of timber sash windows to the front elevation. However, the layout and design of the proposed development would be harmful to the character and appearance of the FHCA; future occupiers would not benefit from an acceptable standard of living conditions and there would be an unjustified loss of family housing. These adverse effects would together be significant and outweigh the limited public benefits of the proposal.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

S Tudhope
Inspector