
Appeal Decision

Site visit made on 13 November 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/C5690/W/19/3230242

Unit 5, Ashby Mews, London SE4 1TB

- 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 Joseph Lowe against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110383, dated 4 January 2019, was refused by notice dated 4 March 2019.
 - The development proposed is described as "Change of Use of a two storey B1 unit to a live/work unit comprising a photography studio and living accommodation (part retrospective)".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit parts of the proposed works had already been carried out. I have considered this proposal in comparison with the layout of the development previously approved by the Council¹ (the 2012 permission).
3. There is dispute between the parties regarding the description of the proposal. I have used the description of development provided on the application form. However, I have determined this application in regard to the compliance of the proposal as a whole with the development plan and the National Planning policy Framework -2019- (the Framework).

Main Issue

4. The main issue is whether, or not, the proposal would continue to facilitate the use of the site as a composite B1/C3 use (live/work unit).

Reasons

5. The appeal site lies on Ashby Mews, an accessway joining Ashby Road to Geoffrey Road. It lies on the eastern side of the accessway, at the southern end of a small group of live/work units. The building was granted planning permission under the 2012 permission as a live/work unit, subject to an Agreement under Section 106 of the Town and Country Planning Act 1990.

¹ Council Ref DC/12/082039/X as amended by DC/14/086274

6. The proposal would alter the layout of the internal space on both the ground and first floors and regularise and retain parts of the development as constructed thus far that are at variance with the drawings approved.
7. The proposal would move a glazed screen that has been installed on the ground floor and retain a kitchen area. On the first floor, the proposal would retain a bedroom area which, in the approved development served as a kitchen/living room and convert a permitted bedroom into a private office.
8. The relocation of the kitchen to the ground floor, separated from the principal area for B1 use would create an awkward juxtaposition of family living space and employment use. The enjoyment of that space by the family would be likely to be undermined by the presence of persons using and visiting the employment use, and vice versa, resulting in an unsatisfactory arrangement for either.
9. The conversion of a bedroom on the upper floor to a private office would provide greater flexibility for residents, as the office could serve as a study/office. However, anyone employed in or visiting the business and accessing the office or kitchen facilities would need to encroach upon the more private residential space.
10. To summarise, I consider that the proposed layout would result in an unsatisfactory relationship between the employment and residential use and would be likely to engender a desire from residents to curtail or severely restrict the business use, potentially resulting in the loss of the business use entirely.
11. I note the aspiration of the appellant to alter the building to provide a better balance to the allocation of space within the building, with the intent of providing a family home and a quieter place to work in association with the business use. However, I have little substantial evidence before me to suggest that such an aspiration could not be achieved by alternative internal layouts that would not compromise the employment use.
12. I therefore conclude that the proposal would not continue to facilitate the use of the site as a composite B1/C3 use. This would be contrary to Policy 5 of the Lewisham Core Strategy Development Plan Document -2011- (the Core Strategy) and DM Policy 11 of the Lewisham Development Management Local Plan -2014- (the Local Plan) which, amongst other things, seek to protect the scattering of employment locations throughout the borough.
13. There is dispute between the parties as to whether the proposal would result in an overall decrease in floor area of employment use, and this is largely dependent upon whether the private office is allocated to employment or residential use. However, irrespective of this allocation I have considered the overall effect of the proposed layout of the development upon the ability of the site to accommodate both uses in conjunction.

Other Matters

14. The proposal lies within the Brockley Conservation Area (the CA). As such I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In addition, Paragraph 193 of the Framework requires 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.

15. The character of the CA in the immediate vicinity of the site is of a narrow service road, amongst streets set out in a rigid grid pattern, serving rear garages with some minor commercial and residential development set in the verdant back land behind substantial terraced dwellings.
16. The external alterations to the site are, visually, relatively minor. Although the roof terrace is visible in the street scene, and its current appearance appears somewhat informal, were I minded to allow the appeal this aspect could be controlled by an appropriate planning condition.
17. The provision of a balcony and the replacement windows and doors would not, of themselves, be out-of-keeping with either the area or the design of the building. I therefore conclude that the proposal would preserve the prevailing character and appearance of this part of the CA without harm. I note that this accords with the opinion of the Council.
18. I am aware of concerns, principally from local residents, regarding the motivations of the appellants and their final aims in regard to the use of the site. However, these are matters that lie outside the scope of this appeal. I have, in any case, determined this appeal on its own merits.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

I Dyer

INSPECTOR