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## Appeal Decision

Site visit made on 9 October 2019

**by S Hanson BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 January 2020**

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**Appeal Ref: APP/C5690/W/19/3232890**

**159 Brookbank Road, London SE13 7DA**

- 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 I Ibrahim against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/18/109318, dated 15 October 2018, was refused by notice dated 4 February 2019.
  - The development proposed is the creation of 2 x self contained flats on the first and second floors.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Lewisham Local Plan Alterations and Extension Supplementary Planning Document (SPD) was adopted in April 2019 and this post-dates the Council's refusal notice. The SPD is referenced by the Council in its appeal statement and the document was provided by the Council as part of the appeal. Although wording has changed between the old and the updated SPD, the essence of the relevant sections of the guidance has not materially changed. Consequently, no parties will have been prejudiced by my having regard to the more recently adopted SPD in reaching my decision.

### Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the property and the wider roofscape; and (ii) whether the proposed development would provide acceptable living conditions for the development's future occupiers with particular regard to internal space.

### Reasons

#### *Character and appearance*

4. The appeal site is a two-storey mid-terrace property located within a small parade of commercial premises in a predominantly residential area. The property is in use as a launderette at ground floor level with residential accommodation above. The proposal relates to the construction of an 'L shaped' roof extension to the rear roof slope, which would provide a new studio flat on the second floor of the property and an extension to the rear outrigger to provide additional accommodation for the first floor flat.

5. Lewisham Local Plan Alterations and Extensions Supplementary Planning Document (2019) (SPD) provides clear guidance for proposal which make alterations to roof spaces to ensure high standard of design, as required by Policy DM 30 of the Lewisham Local Development Framework Development Management Local Plan (2014) (DMLP). The guidance also aims to protect the architectural qualities of a property by ensuring high quality and sensitive design to complement the character of the original building and its setting as required by Policy DM 31 of the DMLP.
6. The proposed loft conversion works would include a flat roof, 'L shaped' box-style rear dormer with two casement style windows in its rear elevation. The works would occupy the entire rear roof slope and, as demonstrated by the drawings, would not be set in from the party wall on each side by at least 0.3m, below the ridgeline by a minimum of 0.3m and at least 0.3m above the existing eaves line. The roof extension would therefore be in technical conflict with the Council's SPD.
7. Furthermore, due to its size, the proposal would result in a combined flat-roofed structure of considerable bulk and projection. It would lack architectural subtlety in its box-like design and would result in an addition that would be neither proportionate or subordinate to the main roof slope. The proposed roof extension would be a visually dominant addition which would not complement the host dwelling.
8. The roof form of properties in a street can make a significant contribution to the character of an area. Whilst the effect of views towards the rear of the property from the public realm would be relatively localised in terms of wider views from the street and neighbouring properties, it would nevertheless harm the architectural integrity of the dwelling and diminish unacceptably the character and appearance of the property with consequent harm to the character and appearance of its immediate surroundings.
9. Whilst the Council make no reference to the unacceptability of the first floor proposal, to which I concur, the proposed roof extension to provide a studio flat would fail to respect the architectural integrity of the original roofscape and would be harmful to the character and appearance of the host property and the wider street scene. This would be contrary to Policies DM 30 and DM 31 of the DMLP, Policy 15 of the Lewisham Local Development Framework Core Strategy Development Plan Document (2011) and the SPD. Together, these seek the highest quality design in new development and extensions to enhance the street scene and complement the architectural characteristics of original buildings.

*Living conditions for future occupiers*

10. The proposed extension and alterations to the first floor flat would result in two-bedroom accommodation for three people with a floor area of 61.5 square metres (sqm), as referenced on the proposed first floor plan. This would exceed the standard of accommodation as referred to in table 2.3 within Policy 32 of the DMLP which references minimum space standards for new housing development (including conversions) in line with the London Plan.
11. The proposed loft floor plan shows a studio flat for one person that would have an internal floor area of 39.5 sqm. Whilst the Council acknowledges that the second floor studio flat would comply with the minimum gross internal floor

area measurements, as contained within Policy 32 of the DMLP, it considers that a lack of associated external space would lead to a poor standard of accommodation which would be contrary to the aims of Standard 26 of the London Plan Housing Supplementary Planning Guidance (LP HSPG). This requires a minimum of 5 sqm of private outdoor space for a 1-2 person dwelling and where this cannot be provided, for the equivalent additional living space to be provided internally. It is unclear whether any outdoor space would be available for future occupiers and from what I saw during my site visit, external space is extremely limited. In this case, I concur with the Council that the proposed studio flat would offer a poor standard of accommodation.

12. Policy 32 of the DMLP supports the standards in the London Plan to ensure an appropriate level of residential quality and amenity for new housing development. However, the policy does not support the creation of single person dwellings other than in 'exceptional circumstances'. This is because small studio flats intended for single occupancy are not considered to provide long term sustainable solutions to housing need. For this type of accommodation to be acceptable, the policy also requires any such dwellings to have an exceptional design quality and be in highly accessible locations.
13. The site has a Public Transport Accessibility Level (PTAL) of 2 which indicates a poor level of public transport accessibility. Furthermore, the roof extension to create the proposed studio dwelling would not constitute exceptional design quality as detailed in my reasoning above.
14. Taking account of the above, although there is no conflict with space standards for the first floor flat, the proposed studio flat conflicts with the LP HSPG which seeks to ensure adequate space and living conditions for future occupants. It further conflicts with Policy 32 of the DMLP which seeks, amongst other matters, to provide residential accommodation that meets the borough's housing stock needs.

### **Other matters**

15. I acknowledge that the proposed development would lead to additional residential accommodation and that the appeal site is a short walk from an area of public amenity space that could provide outdoor recreational opportunities for future occupiers of the studio flat. However, I have attributed limited weight to these matters in my determination of this appeal.
16. The appellant has referred me to examples of extensions to properties within the same road. Two of these cases appear to be for a Certificate of Lawfulness and the planning permission relates to an extension to the ground and first floor. Whilst I am not aware of the full details of these cases, I have no reason to believe that the circumstances are directly comparable to the current appeal proposal. In any event, I have considered the proposal on its own merits.

### **Conclusion**

17. I have found harm would result on both main issues which is compelling and for the reasons outline above, I conclude that the appeal should be dismissed.

*S Hanson*

INSPECTOR