
Appeal Decision

Site visit made on 11 December 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2020

Appeal Ref: APP/C5690/W/19/3232180
312 Brownhill Road, London SE6 1AX

- 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 Brownhill Venture Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/110235, dated 19 December 2018, was refused by notice dated 9 May 2019.
 - The development proposed is construction of two storey rear and roof extensions and dormers, in connection with the conversion of the property into 1x 3bedroom flat, 3x 1-bedroom flats, 1x 1-bedroom duplex, together with elevational and fenestration alterations, hard and soft landscaping and the provision of car parking spaces, cycle and refuse storage in the front driveway.
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Decision

1. The appeal is allowed and planning permission is granted for construction of two storey rear and roof extensions and dormers, in connection with the conversion of the property into 1x 3bedroom flat, 3x 1-bedroom flats, 1x 1-bedroom duplex, together with elevational and fenestration alterations, hard and soft landscaping and the provision of car parking spaces, cycle and refuse storage in the front driveway at 312 Brownhill Road, London SE6 1AX in accordance with the terms of the application, Ref DC/18/110235, dated 19 December 2018 subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are
 - (a) whether the proposal would result in an acceptable form of housing having regard to local and national planning policies,
 - (b) the impact of the proposed extensions on the living conditions of the occupiers of adjacent dwellings, and
 - (c) the effect of the proposed roof dormers on the architectural integrity and character of the building and street scene.

Reasons

Housing form

3. The appeal relates to a large double fronted Victorian two storey house with an original two storey flat roofed side annex. It is a mid-terraced house in a row of four similar buildings on the southern side of Brownhill Road. The house is

vacant and in a poor state of repair. The site is boarded up and the front and back gardens are overgrown.

4. The proposal to convert the building to 5 flats would involve the replacement of a dilapidated single storey rear extension on the boundary with 314 Brownhill Road with a larger extension including a living room to the duplex unit within a gable at second floor level. The duplex unit would also benefit from two side facing dormer windows. A two storey rear extension with a flat roof and curved rear wall would be constructed adjacent to 310 Brownhill Road. The rear garden would be divided between the two ground floor units, a 3-bedroom flat and a 1-bedroom flat. Parking and enclosures for bins and bikes would be provided within a landscaped front garden.
5. Policy 1 of the Lewisham Local Development Framework Core Strategy (2011) (CS) sets out a spatial strategy recognising the need for additional housing and concentrating growth in the main centres. Policy DM3 of the Lewisham Development Management Local Plan (2014) (DMLP) aims to manage the future subdivision of single family houses into self-contained flats, in order to ensure that new dwellings provide a high standard of amenity, and to promote and retain housing choice in the borough. In respect of the policy's first criterion on suitability for conversion, whilst the house has a large garden that would be suitable for family accommodation, the site is adjacent to the busy and noisy A205 South Circular Road, which indicates suitability for conversion. The existing house has an internal floorspace greatly in excess of the 130 sqm threshold set in the second criterion also indicating suitability for conversion.
6. The Council's concerns relate to a perceived need for larger dwellings identified in various documents including the Annual Monitoring Report for 2016-17. Policy DM3 defines family housing as having three or more bedrooms but provides no distinction between smaller and larger family dwellings. The proposal includes a ground floor three bedroom unit with access to a large garden, so a family unit would be included within the conversion. Whilst the Council asserts that the whole house should be retained as a larger single family dwelling, the appellant's viability assessment¹ is a material consideration and indicates that the cost of such a refurbishment would be prohibitive.
7. Policy 3.8 of the London Plan (2016) emphasises housing choice but this is set in the context of Policy 3.3 on increasing housing supply. The Council's aspiration to build mixed, balanced and sustainable communities including large family dwellings needs to be set against the aims at Paragraphs 59 and 117 of the National Planning Policy Framework (the Framework) of significantly boosting the supply of homes and of promoting an effective use of land in meeting the need for homes and other uses. The Council have confirmed that the size and layout of all five units would be satisfactory, and I have no reason to disagree with this. Having regard to all relevant considerations, I conclude that the proposal would not significantly undermine housing choice and would result in an acceptable form of housing in accordance with local, London wide and national planning policies.

Living conditions

8. The proposed two storey extension on the boundary with 310 Brownhill Road would have a maximum depth in excess of 3m but this would be at a point set

¹ Viability Report by Boyer on 312 Brownhill Road (June 2019)

in from the boundary by some 2m due to the curved nature of the rear wall. The extension would be to the south-east of the nearest windows at no. 310 which are set in from the boundary by about 2m. It would largely obscure views of the higher rear extension with a gable roof which would abut the boundary with 314 Brownhill Road. This would also be deeper at about 3.8m but at ground floor level would be comparable to the depth of a ground floor extension at no. 314. The upper floors to this extension would be set in from the boundary with no. 314 by about 2m.

9. The siting, form and profile of the gable roof extension would be similar to that of an extension built to the rear of 314 Brownhill Road. There is also a substantial two storey side and rear extension to the far side of 310 Brownhill Road where it abuts the side road. The scale of the proposed extensions would not be unduly dominant or lacking in subservience when compared with the massing of the extensions constructed to both neighbouring plots.
10. The appellant's Daylight and Sunlight Assessment² examined the impact of all extensions on adjacent dwellings in line with criteria prescribed by the British Research Establishment (BRE). It concluded that the development would "*not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings*". I am satisfied that the proposal would not result in undue loss of natural light. Given the separation distances, neither would it result in an unneighbourly or overbearing form of development.
11. The proposal would not unduly impact on the living conditions of adjoining occupiers and would thereby be in accordance with Policy 15 of the CS and Policies DM30 and DM31 of the DMLP. These collectively promote high quality design to all development including residential extensions and seek to protect neighbour amenity. Neither would there be conflict with Paragraph 127 of the Framework which promotes achieving well-designed places with a high standard of amenity for existing and future users.

Character and appearance

12. Two matching dormer windows would be provided, one to each side hipped roof. At about 1.5m wide and 1.5m high they would not be unduly large and would sit centrally within the roof slopes. They would be visible from the front of the property and in the street scene. Whilst the Victorian dwellings in the terrace and nearby were not designed with such dormers, several have had dormers added. They now form part of the street scene. The proposed dormers moreover would be viewed in the context of larger side dormers at 310 Brownhill Road. They would not appear overly dominant, would not result in undue harm to the architectural integrity of the house and would not appear out of character in the appearance of the street scene.
13. The dormers would not disrupt the regularity of the street form and the unity of the architecture or adversely affect the architectural integrity of a group of buildings as a whole. The proposal would not therefore conflict with the design aspirations of Policy 15 of the CS and Policies DM30 and DM31 of the DMLP. As the dormers would be set back from the eaves, set down from the ridge line and would retain a sense of symmetry that does not damage the original character of the building, the proposal would not be contrary to the Council's Alterations and Extensions Supplementary Planning Document (2019).

² Daylight and Sunlight Assessment by Herrington Consulting Limited (December 2018)

Other matters

14. I have noted the representation from the occupier of an adjoining property that the extensions would be overbearing, and the dormers would harm the integrity and character of the building; however, this does not change my findings on these issues set out above.

Conclusion

15. The proposal would enable a vacant building in poor condition to be brought back into use. It would result in an acceptable form of residential development that would not result in material harm in respect of the living conditions of adjoining occupiers or in respect of the character and appearance of the area. For the reasons given and having regard to all other matters raised, the appeal is allowed subject to conditions.
16. In addition to the statutory condition limiting the lifespan of the permission, a condition is necessary to list the plan numbers in the interests of certainty and to enable the submission of minor material amendments should this be expedient. To ensure that the site operates as envisaged a condition is needed to require the access and parking arrangements, bike shelter and bin store to be provided as shown on the submitted site plan. The Council has suggested a separate condition in relation to construction of the vehicular access; this is unnecessary as the matter is covered in condition 3 below that also covers other related matters. However, I concur with the Council's suggested condition on a construction logistics management plan to control traffic movements and ensure pedestrian safety. Conditions are necessary to approve the materials to be used on the external surfaces of the extensions and dormers and to approve landscape arrangements and their implementation to ensure a satisfactory appearance to the development. Finally, a condition is necessary to control glazing used in the side dormer windows to safeguard the privacy of the occupiers of adjoining dwellings.

Rory MacLeod

INSPECTOR

Schedule of 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:
074-A-000; 074-A-001; 074-A-002; 074-A-010-REV01;
074-A-011-REV01; 074-A-012-REV02; 074-A-020-REV01;
074-A-021-REV01; 074-A-022-REV01; 074-A-030-REV01;
074-A-031-REV01; 074-A-032-REV01; 074-A-033-REV01;
074-A-034-REV01; 074-A-035-REV01; 074-A-036-REV01;
074-A-100-REV01; 074-A-101-REV01; 074-A-102-REV01;
074-A-103-REV01; 074-A-200-REV01; 074-A-201-REV01;
074-A-202-REV01; 074-A-203-REV01; 074-A-204-REV01;
074-A-205-REV01; 074-A-206-REV01.

- 3) The development hereby permitted shall not be occupied until the vehicular access and parking arrangements, bike shelter and communal bin store shall have been constructed in accordance with details shown on submitted plan no. 074-A-012-REV02.
- 4) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:
 - (a) Rationalise travel and traffic routes to and from the site.
 - (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
 - (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction
- 5) No development shall commence above ground level on the extensions and dormers until details of the materials to be used in the construction of their external surfaces shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) None of the flats shall be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The duplex flat hereby permitted shall not be occupied until the dormer windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.