



Appeal Decision

Site Visit made on 27 October 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/C5690/W/20/3254447

6 Chinbrook Road, Grove Park, London SE12 9TH

- 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 Neil Blackwell against the decision of London Borough of Lewisham.
 - The application Ref DC/19/114881, dated 3 December 2019, was refused by notice dated 20 March 2020.
 - The development proposed is described as the "Conversion of roof space to form a one-bedroom self-contained flat. Re-Submission on application DC/19/111664".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is reference to the lawfulness of existing units within the building. This is not however a matter that is before me in the consideration of this appeal. Should the appellant wish to seek a judgement in this respect, it is possible to apply for a determination under Section 191 of the Act.
3. The Council refer to a policy of the emerging London Plan 'Intend to Publish' version and state that further to the Secretary of State's direction letter, no changes to this policy were directed. As such, I accord substantial weight to the requirements of this policy.

Main Issues

4. The main issues are (i) the effect on the character and appearance of the host property and the area, as well as (ii) whether occupiers would experience satisfactory living conditions, with particular regard to size and standard of accommodation, as well as outlook.

Reasons

Character and appearance

5. The appeal building comprises a semi-detached property, which appears to accommodate a number of flatted units. The roof of the main part of the property is hipped, with a pitched roof over a rear projecting element. There are clear views of the property and the roof from Chinbrook Road to the front, as well as Amblecote Road to the side. With the exception of a dwelling immediately to the side of the property, the properties in the immediate vicinity of the appeal site on this side of Chinbrook Road are arranged in semi-detached pairs, with hipped roofs, creating a distinct roofscape at the location.

6. The proposed side dormer extension would occupy a substantial expanse of the hipped roof plane at the side of the property. It would necessitate including a large area of flat roof as part of the construction and would have a large side facing elevation. Whilst it would be set down from the highest part of the roof and set in from the edges, it would nonetheless be a strident and overly dominant addition to the roof, out-of-proportion with the host building and would appear as a discordant feature in views from the surrounding area. The effect of the dormer would not be lessened by the differing scale of the neighbouring property, or the lower ridgeline of the neighbouring, attached building.
7. The rear dormer would necessitate a raising of part of the ridgeline above the rear projecting element of the building. This would be below the highest part of the roof, and the raised part of the roof would not extend for the entire length of the existing pitched roof. The flat roof of this dormer would not generally be visible from the surrounding area and as such, while not insubstantial in its extent would not be an intrusive feature.
8. While I have found the rear dormer acceptable, the side dormer would be harmful to the character and appearance of the host property and the area. Thus, the proposal conflicts with policy 15 of the Lewisham Local Development Framework – Core Strategy (2011) (the Core Strategy), policies 30 and 31 of the Lewisham Local Development Framework – Development Management Local Plan (2014) (the Local Plan), as well as policies 7.4 and 7.6 of the London Plan (2016). Together, and amongst other things, these policies seek to ensure development is sensitive to local context, attains a high standard of design, that alterations to existing buildings are of a sensitive design quality, as well as that buildings are of a high-quality design and highest architectural quality. The proposal would also conflict with the design aims of the National Planning Policy Framework (the Framework).
9. There is reference within the reasons for refusal to the Council's Alterations and Extensions Supplementary Planning Document, however a copy of the document has not been provided. However, from the details provided within the appellants statement of case, the proposal would also conflict with the guidance contained therein.

Living conditions

10. The Council's Delegated Report sets out an assessment of the overall floor area, floor to ceiling height, size of double bedroom and amount of built-in storage. This identifies that of these four matters, the proposed scheme fails to accord with accommodation standards in regard to three of them, being only the standard in respect of built-in storage that is met.
11. The appellant sets out in the statement of case that, the overall floor space provides the required 50 square metres (sqm), in that when measured above 1.5 metres (m), the floorspace is 46 sqm, with a further 8sqm for storage space, which given a headroom of between 0.9m and 1.5m can be counted as 50% floorspace, would provide an additional 4 sqm, totalling the required 50 sqm.
12. The emerging London Plan 'Intend to Publish' version requires, at policy D6, that two-bedspace, double bedrooms have a floor area of at least 11.5 sqm. The bedroom would have a floorspace of 9.7 sqm, when measured at a

headroom of above 1.5m. The appellant highlights that a further 0.7 sqm would be provided at below 1.5m headspace; on the basis of the 50% reduction that I refer to above, resulting in 10.4 sqm of floorspace in the bedroom. Whilst this is an infringement on the standard of 11.5 sqm, the minor shortfall would not result in unacceptable living conditions.

13. In respect of ceiling heights, the submitted sections show that maximum floor to ceiling heights will be 2.4m. Whilst the adopted London Plan requires a minimum height of 2.3m for at least 75% of the Gross Internal Area, it strongly encourages a minimum of 2.5m. This higher figure is reflected in adopted policy 32 of the Local Plan, as well as policy D6 of the emerging London Plan. Given that the maximum height shown would be below the 2.5m figure at 2.4m, the scheme would fail to provide accommodation that is sufficient in this regard.
14. The main living space would be served by a rear facing window. This window is not overly small and as such would provide an outlook for occupiers of the unit. While this would be towards nearby built development, these buildings would not be unacceptably close so as to impinge on, or restrict, the outlook. The kitchen which is part of the living space would also have a side facing window, which would provide a limited outlook. Overall, I find that the living space including kitchen area would benefit from sufficient outlook. I acknowledge that the bedroom would be served only by rooflights, however the submitted sections show that these would be low enough within the roof to allow for views out of them. Considering the use as a bedroom, this would provide a reasonable level of outlook.
15. Accordingly, whilst I find that the overall floorspace, the size of the bedroom and outlook would be acceptable, the internal floor to ceiling height would be substandard. Thus, occupiers would not experience satisfactory living conditions, with particular regard to the size of accommodation. Thus, the proposal conflicts with policy 32 of the Local Plan and policy D6 of the emerging London Plan. There would also be conflict with policy 15 of the Core Strategy and paragraph 127 of the Framework, insofar as they seek to ensure development is designed appropriately and delivers a high standard of amenity for future users.

Other Matters

16. I acknowledge that the proposal would result in an additional unit of accommodation, at a sustainable location. However, any benefit in this respect does not overcome the harm that I identify above.
17. The Council's Delegated Report refers to outdoor garden space. However, this is not referenced within the reasons for refusal. As I am dismissing the appeal for other reasons, I have not pursued this matter further.

Conclusion

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

Mr Martin Allen

INSPECTOR