



Appeal Decision

Site visit made on 2 February 2021

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/C5690/W/20/3259131

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 Mr Alex Deutsch, Brownhill Venture Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/116739, dated 9 April 2020, was refused by notice dated 15 July 2020.
 - The development proposed is the construction of two storey rear and roof extensions, and dormers at 312 Brownhill Road, SE6, in connection with the conversion of the property into 2 x 3- bedroom flat, 3x 1-bedroom flats, 1x 1-bedroom duplex. Together with elevational and fenestration alterations, hard and soft landscaping and the provision of 2 car parking spaces, cycle and refuse storage in the front driveway.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision refers to policies from the extant London Plan ('LP'), the Council's adopted Development Management Local Plan (2014) ('DMLP') and Core Strategy (2011) ('CS'). The full details of the LP policies are not provided in evidence. Nevertheless, on the information before me these have similar aims to those referenced from the DMLP and CS and therefore do not lead me to any different conclusions on the main issues.

Main Issues

3. The main issues are a) whether the proposed basement level accommodation would provide acceptable living conditions for future occupiers with regard to outlook and the quality of amenity spaces; b) the effect of the proposed front lightwells and balustrades on the character and appearance of the area; and c) the effect of the proposed development on highway safety.

Reasons

Living conditions

4. The proposed new basement level accommodation would comprise a 3-bed flat and a 1-bed flat. The front and rear elevations of these flats, which incorporate habitable rooms would be served by lightwells. These lightwells would facilitate daylight and sunlight to the proposed habitable rooms. The submitted Daylight and Sunlight Assessment confirms that the provision of natural daylight for the proposed flats would meet or exceed the minimum required threshold set out in the

British Research Establishment Guidelines, and in each of the proposed lower ground units, the main living areas would receive direct sunlight above the 'all year' and 'winter' target levels.

5. However, and despite some alterations to internal floor levels, so that part of the basement would be above ground level, the relatively modest depths of the proposed lightwells combined with their stepped configurations would unacceptably enclose and dominate views from the habitable rooms and associated external amenity spaces. Therefore, despite being dual aspect, the proposed arrangement would provide a particularly oppressive and bleak aspect from these basement level flats and associated amenity spaces. Also, there are no strong policy or design reasons to accept lesser expectations with regard to outlook from bedrooms, which are also habitable rooms.
6. In considering the quality of the proposed basement accommodation, I have taken account of the lightwells approved at 311 Brownhill Road (No 311). However, these are different in design and scale to those proposed for the appeal scheme. As such, the two schemes are not comparable.
7. With regard to amenity space, the main parties agree that the provision of this for the 3-bed unit would be below the Council's requirements. The amenity space for the 1-bed flat would exceed the Council's minimum requirement. Despite this, these amenity spaces would be in proximity of the rear gardens serving other flats at the appeal property and due to the limited separation achieved between the gardens and basement amenity spaces, the extent of overlooking would be unacceptably intrusive and thereby significantly undermines the useability and overall quality of these amenity spaces.
8. Although the appellant is willing to accept a condition to provide details of screening as mitigation to address such overlooking, in the absence of any specifications, I cannot be certain that this would not adversely affect the amount of daylight and sunlight received at the flats, or increase the extent of enclosure, which I have already found to be unacceptable.
9. The floor area for the 3-bed flat exceeds the Council's minimum gross internal area requirements. Nonetheless, there are no substantive reasons for me to accept this and the availability of nearby public open space in lieu of the failure to provide adequate and quality amenity space directly associated with this new family dwelling, in accordance with the Council's requirements.
10. As the windows to the basement level rooms would be vertical, opportunities for views into these from above the lightwells would be limited, and unlikely to result in any significant loss of privacy to the internal areas of the proposed basement flats.
11. Nevertheless, for the above reasons, the proposed basement flats would fail to provide acceptable living conditions for future occupiers with regard to outlook and the quality of the proposed amenity spaces. This would be contrary to Policy DM 32 of the DMLP, which amongst other things, requires all new residential development to provide a satisfactory level of outlook and meet the functional requirements of future residents, including the provision of private and useable amenity space.

Character and appearance

12. To facilitate the proposed front lightwells, openings at ground level would be created. These would be set-back from the highway and located close to the host

building. The proposed balustrades to the lightwells would comprise low black railings in a simple form and would not be particularly dominant or obtrusive. As such, the modest extent of these proposed features would be absorbed by the sizeable elevation and frontage of the host building and would assimilate with the varied street scene which includes lightwells and balustrades at No 311.

Furthermore, the proposed lightwells and balustrades would be part screened by the proposed boundary treatment, landscaping, car parking and cycle storage areas and therefore would not be particularly discernible from any public viewpoints.

13. Although the proposed lightwells exceed the 1.5m depth specified in the Council's 'Alterations and extensions Supplementary Planning Document (2019)' this is guidance. In any event, for the reasons stated above, no harm would result from the proposed lightwells, and any conflict with the guidance is not sufficient to dismiss the appeal on this issue. Consequently, the proposed front lightwells and balustrades would not harm the character and appearance of the area. As such, I find no conflict with the design aims of Policies DM 15, DM 30, and DM 31 of the DMLP.

Highway safety

14. The extant approval Ref DC/18/110235, for the conversion of the appeal property to five flats includes the provision of two vehicle crossovers. While the approved site plan only illustrates one car parking space on the frontage, there is nothing before me to suggest that once that permission has been implemented, a second vehicle could not be parked in front of the other vehicle crossover. Such an arrangement would not be dissimilar to the appeal scheme before me and requires vehicles to reverse on to or from the Transport for London Road Network.
15. Consequently, the proposal development which includes two off-street, car parking spaces is unlikely to have any unacceptable impact on highway safety, over and above the approved scheme. As such, I find no conflict with Policy 14 of the CS which generally aims to promote sustainable transport choices and Policy DM 29 of the DMLP which is concerned with the provision of car parking.

Other Matters

16. The proposal would make efficient use of an existing building in a location which is well served by public transport and other facilities. It would also increase the range and supply of housing in support of local and national policies. However, these factors and the benefits associated with a modest scheme for 7 units would be limited and do not outweigh the harm I have identified.

Conclusion

17. I have found that the proposal would not harm the character and appearance of the area or highway safety. However, the proposed basement level accommodation would provide unacceptable living conditions for future occupiers, for this reason and the overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR