



Appeal Decision

Site visit made on 21 December 2020

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2021

Appeal Ref: APP/C5690/W/20/3255570

Unit 6, 29 Hindsley's Place, Forest Hill, London SE23 2NF

- 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 Khan against the decision of London Borough of Lewisham.
 - The application Ref DC/20/115432 dated 23 January 2020 was refused by notice dated 1 May 2020.
 - The development proposed is "change of use from storage to residential: a single storey 3 bed flat within the bounds of an existing building".
-

Decision

1. The appeal is dismissed.

Procedure Matter

2. The London Plan 2021 has now been adopted and forms part of the Development Plan. Policies 3.5, 7.4 and 7.6 of the former London Plan 2016 are referred to in the Council's decision notice. These provisions are generally replicated in policies D4, D5 and D6 in the London Plan 2021, therefore, I refer to those in my reasoning.

Main Issues

3. The main issues are the effect of the proposal on i) the provision of premises for employment uses; and ii) the living conditions of occupants.

Reasons

Employment uses

4. The appeal property is a single storey unit behind the frontage at Nos. 1-29 Perry Vale, part of Forest Hill District Shopping Centre. Attached to the neighbouring Unit No. 5, immediately adjacent is a large 'banqueting hall' behind the food and drink premises at No.17. At the time of my visit, the appeal property was unoccupied but not in a state of dereliction or disrepair. Both parties agree that it was previously used for Class B8: storage purposes. The appeal property is accessible on foot via a passageway from Perry Vale, and by vehicle from the narrow lane leading from Hindsley's Place. I note that both routes were somewhat impeded by large wheeled waste/recycling bins.

5. It is proposed to change the use of the appeal property, along with physical alterations, to create a 3-bedroom (5 bed spaces) dwelling with a courtyard style garden.
6. The appellant considers the appeal property is incapable of continued use as Class B for a number of reasons including physical condition, residential surroundings, and access limitations. I do not consider this to be a residential area and there is no evidence before me that the appeal property has been marketed by a commercial agent, for business uses, to substantiate these claims.
7. Therefore, the proposal conflicts with Policy 5 of Lewisham Core Strategy Development Plan Document 2011 (Core Strategy DPD), and policies DM4 and DM11 of Lewisham Development Management Local Plan 2014 (Local Plan). Among other things, these seek to retain premises in employment/ Class B use unless there is proven to be no reasonable prospect of continued use.

Living conditions

8. The proposed dwelling is of a size that exceeds the minimum gross internal floor area required by the Technical Housing Standards - National Described Space Standard 2015, and includes a suitably dimensioned/sized double/single bedrooms: as required by London Plan Housing Supplementary Guidance 2016.
9. There would be various entrance doors into the proposed dwelling but no windows, thus giving the appearance of commercial premises rather than an attractive residential building. Each bedroom looks directly, through a glass door, onto a narrow courtyard (circa 2.9m depth) and the blank façade of the wall that encloses it. The only other habitable room, the kitchen/dining/living area, would also be single aspect, through a glass door, also providing a poor outlook.
10. The appellant considers that a single aspect development is justifiable on the basis that a double aspect proposal would result in amenity impacts on neighbours, specifically overlooking and loss of privacy. However, in the absence of drawings and/or other details demonstrating this, I cannot conclude that would be the case.
11. Family dwellings require sufficiently private living space for occupants to undertake a variety of activities. The proposed layout does not separate dining or living space from the kitchen, and does not appear to be readily adaptable to this end. A consequence of this could be occupants spending greater time in bedrooms, thus unacceptable.
12. There would be a sole reliance on doors to deliver natural light to the bedrooms, rooflights serving the corridor and kitchen/dining/living area. Sunlight would reach bedrooms but the presence level and duration would be affected by the outside courtyard boundary wall, even at the proposed reduced height, to the detriment of occupants.
13. The courtyard would provide adequate private, outside space for use of occupants. It would be possible to add external lighting to the northern and eastern elevations, so as to benefit pedestrians and other road users.

14. Therefore, the proposal conflicts with Policy 15 of Core Strategy DPD; policies DM30 and DM32 of the Local Plan; policies D4, D5 and D6 of London Plan 2021; Section 2.3 of London Plan Sustainable Design and Construction Supplementary Planning Guidance 2014, and paragraph 127 of National Planning Policy Framework 2019. Among other things, these require a high quality of design in new housing that has a positive relationship with the surroundings with high standards of amenity for occupiers including adequate natural lighting and outlook.

Other Matters

15. The appellant has drawn my attention to other decisions regarding similar development in Hindsley's Place, and I have taken these into account. Planning decisions are taken on individual merit and I am not aware of the particular circumstances of each. Therefore, these does not change my conclusions on the harm I have identified.

Conclusion

16. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR