



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: 6 May 2021

Appeal Ref: APP/C5690/W/20/3258245

103 Bromley Road, London SE6 2UF

- 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 Lahav, Beechfield Homes Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/116604, dated 27 April 2020, was refused by notice dated 14 July 2020.
 - The development proposed is construction of part single/two storey rear extension and roof extension and conversion of building into 5 no. self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to policies from the London Plan (2016). I am aware that this has been replaced by the new London Plan (2021). Therefore, the policies from the London Plan (2016) are not relevant in the determination of this appeal.

Main Issue

3. The main issues are: Whether the proposal would preserve or enhance the character or appearance of the Culverley Green Conservation Area ('CA'); whether the proposed residential accommodation would provide satisfactory living conditions; the effect of the proposal on the provision of family homes in the borough; whether the location of the appeal site is suitable for the proposed 1-bed, 1-person flat, and; the effect of the proposed development on the living conditions of neighbours.

Reasons

Character and appearance

4. The appeal property comprises a semi-detached Edwardian villa, located along Bromley Road. Its notable features include, projecting bay windows, under a simple hipped roof with a front gable feature that incorporates a small porthole window. Along its rear elevation is a centrally located and predominantly two-storey out rigger. Most notably, this property is similar in style, scale, and form to the adjoining semi-detached property and a neighbouring pair of semi-detached properties.

5. The appeal property also falls within the CA. Although this part of the CA incorporates a number of commercial buildings which add some variance to architectural styles, based on my observations the significance of the CA is largely derived from its quality period residential buildings, which together form cohesive street scenes that provide a strong visual link to the past. Similarly, the appeal property, and the group of similar properties it is a part of, collectively make a positive contribution to the character and appearance of this part of Bromley Road and the significance of the CA.
6. The proposal incorporates a number of extensions and alterations to facilitate the conversion of the appeal property from a 3-bed dwelling to 5 flats. The proposed hip-to-gable extension would be uncharacteristic of the nearby properties and the enlarged porthole window would also be atypical. In addition to these, a dormer and gable extensions are proposed along the rear roof-slope of the appeal property. Cumulatively, these extensions and alterations would appreciably change the overall form, scale, and appearance of the appeal property and erode its symmetry with the adjoining semi-detached property. This arrangement would also appear incompatible with the neighbouring pair of semi-detached properties.
7. The proposed rear extensions would occupy a sizeable floor area. This, in combination with their overall massing, which includes a two-storey element with limited articulation, would dominate the original building and further erodes its distinctiveness and adds to the overall unacceptability of the proposal.
8. My attention has been drawn to neighbouring properties that incorporate rear extensions and gable features, which are not dissimilar to elements of the appeal scheme. Nonetheless, and notwithstanding the use of traditional materials, cumulatively the proposed alterations and extensions to the appeal property would alter its scale, form, and appearance to such an extent that it would appear incongruous in the context of nearby buildings and the street scene.
9. For the above reasons, the proposal would harm the character and appearance of the appeal property and area, and the significance of the CA would be harmed.
10. The harm the proposal would cause to the significance of the CA would be less than substantial. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the proposal would deliver four additional residential units. However, despite the need for more homes to improve housing choice and affordability in the area, the benefits derived from a four additional residential and the benefits associated with these would be limited.
11. Having special regard to the desirability of preserving or enhancing the character or appearance of the CA¹, despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, these are not sufficiently forceful to outweigh the less than substantial harm that I have identified.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

12. Drawing on the above reasons, the proposed development would fail to preserve or enhance the character or appearance of the CA. The proposal would therefore be contrary to Policies 15 and 16 of the adopted Core Strategy (2011) ('CS') and DM Policy 30 and DM Policy 36 of the Development Management Local Plan (2014) ('DMLP'). Together, these policies seek to secure high quality developments which sustain and enhance the significance of designated heritage assets.

Quality of proposed accommodation

13. The proposed open plan kitchen/living space to Flat A would be served by largely glazed, double doors, designed to face an outdoor amenity area. This arrangement would provide adequate daylight and outlook for this space. However, and despite the generous provision of space for its master bedroom, bedrooms 2 and 3 for this flat would overlook each other. Irrespective of being occupied by the same household; bedrooms are intended to function as private spaces. Therefore, the proposed level of mutual overlooking would significantly compromise privacy and is therefore unacceptable. Also, due to the location and orientation of these windows, they would offer poor levels of daylight and outlook for bedrooms 2 and 3.
14. The appellant suggests that the window for the bedroom 3 could be obscure glazed to form a study/home office. However, this would be difficult to enforce via a planning condition. Moreover, this would undermine the schemes ability to provide a family dwelling, given that Flat A is designed as a three-bedroom dwelling.
15. The study room for Flat B would only incorporate high-level roof lights. While these would provide daylight, this arrangement would provide an unacceptable outlook.
16. In respect of Flat C, its only bedroom window would be in proximity of the obscure glazed window serving its kitchen. This arrangement would offer poor levels of outlook and daylight for the bedroom. In my view, such harm is significant, given that this is the only bedroom for this flat.
17. The living room/kitchen for Flat E would be served by four roof lights. However, due to the location of these and their relative height to the finished floor level, the outlook from this area would be satisfactory.
18. Although the appellant asserts that there is no requirement for good outlook or daylight for bedrooms and study rooms, I have not been referred to any specific policy basis for this. Moreover, the proposed residential accommodation would become part of the boroughs housing stock. To this end, the poor provision of daylight and outlook for certain rooms, undermines the flexibility of such accommodation to meet the functional needs of future users and its long-term sustainability as housing for the borough. Therefore, this reflects poor design.
19. For the above reasons, Flats A, B and C, would provide unacceptable standards of residential accommodation. This would be contrary to Policy 15 of the CS, and DM Policy 3 and DM Policy 32 of the DMLP. Together, amongst other things, these policies aim to provide developments of the highest quality design which are sensitive to local context, and expect all residential developments to

provide a satisfactory level of privacy, outlook and natural lighting, while also meeting the functional requirements of future residents.

Loss of family housing

20. DM Policy 3 of the 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. Nevertheless, this Policy does support the conversion of single family houses where environmental conditions mean that the single family house is not suitable for family accommodation such situations are where it is adjacent to noise generating or other environmentally unfriendly uses and/or there is lack of external amenity space suitable for family use.
21. 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 a busy and noisy classified 'A' road, which indicates suitability for conversion. The existing house has an internal floorspace in excess of the 130 sqm threshold set in the second criterion, also indicating suitability for conversion.
22. The Council's concerns relate to a perceived need for larger dwellings identified in various documents including the Annual Monitoring Report for 2016-17. Whilst I have not been referred to a definition of 'larger dwellings' the supporting text to DM Policy 3 of the DMLP, defines family housing as having three or more bedrooms. The proposal includes a ground floor three-bedroom unit with access to a sizeable amenity space. As such, a family unit would be included within the conversion.
23. Therefore, the proposed conversion of this single 3-bedroom family dwelling house into 5 self-contained units would not result in the loss of a valuable housing resource that contributes to the delivery of housing choice in the borough. Therefore, I find no conflict with DM Policy 3 of the DMLP, insofar as this relates to promoting and retaining housing choice in the borough. I also find that the proposal accords with Policy 1 of the CS, which amongst other things requires an appropriate mix of dwellings within a development.

Suitability of location for proposed 1-bed, 1 person flat

24. The proposed accommodation includes a 1-bed, 1-person flat (Flat C). Criterion e) of DM Policy 32 of the DMLP states that single person dwellings will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations.
25. Although the appeal site is not within in area with a Public Transport Accessibility Level rating of 6, it is located near to a bus stop which serves a number of bus routes. As such, a range of shops, services, and facilities in addition to those which are within walking distance would be easily accessible from the appeal site. Consequently, I find no conflict with DM Policy 32 of the DMLP, insofar as this relates to the suitability of the location of the appeal site for a 1-bed, 1-person flat.

Living conditions (neighbours)

26. The proposed single storey rear extension would be located along the shared boundary with 105 Bromley Road (no 105). This would be about 3m in height with a significant projection beyond the rear wall of no 105. The scale and massing of this rear extension would be appreciably greater than the existing boundary treatment and the typical boundary treatments which are allowed under permitted development. Consequently, the single storey rear extension along with the proposed substantial two storey rear extension would introduce a sizeable flank elevation with limited articulation. This, along with its proximity to the shared boundary, would appear particularly dominant in views from parts of the ground floor accommodation and garden of no 105 and also introduces a degree of enclosure adjacent to these areas. Such an arrangement would result in a significant adverse impact on the outlook from no 105.
27. The two-storey element of the proposed rear extension would be appreciably larger, and in part closer to the boundary with 101 Bromley Road (no 101) than the existing outrigger at the appeal property. Therefore, due to its overall scale and proximity, this would be particularly dominant and enclosing when viewed from no 101.
28. For the above reasons, the proposed rear extension would harm the living conditions of neighbours with regard to outlook, contrary to Policy 15 of the CS and DM Policy 31 of the DMLP, which together, require proposals to be sensitive to local context and not cause any significant loss of amenity.
29. The Council's decision also refers to DM Policy 30 and DM Policy 36 of the DMLP. The former largely deals with matters of urban design and local character and the latter relates to alterations affecting designated heritage assets and their setting. Therefore, these policies are not relevant for considering living conditions.

Other Matters

30. The proposal would make efficient use of an existing building to increase the range and supply of housing in support of local and national policies. Nevertheless, these factors and the benefits associated with a modest scheme for 4 additional units would be limited and do not outweigh the harm I have identified.

Conclusion

31. I have found that the proposal would not harm the provision of family homes in the borough and the appeal site is in a suitable location for 1-bed, 1-person flat. However, both the proposed family accommodation and the 1-bed, 1 person flat along with Flat B, fail to offer satisfactory standard of living accommodation. The proposal would also harm the character and appearance of the CA and the living conditions of neighbours, for these reasons and overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR