



Appeal Decision

Site visit made on 7 June 2021 by Ben Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

An appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/C5690/W/21/3268681

284a Lee High Road, London SE13 5PJ

- 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 Ms P Ashcroft against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/117153, dated 17 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is described as alterations and extensions to the roof to form a one-bed self-contained residential (C3) flat.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms P Ashcroft against the Council of the London Borough of Lewisham. This application is the subject of a separate Decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. Since the Council's refusal of the scheme, a new London Plan has been adopted (March 2021). Both parties were provided with the opportunity to comment on this matter and I have taken the representations received into account in my consideration of this case. The requirements of the 2021 London Plan regarding floor area and amenity area provision set out below are unchanged from the 2016 version.

Main Issues

5. The main issue in this case is whether the proposal would provide appropriate accommodation for single person occupancy, having regard to the provision of internal and external space and accessibility.

Reasons for Recommendation

6. Policy DM32 of the Development Management Local Plan (2014) (DM) sets out housing design, layout and space standards. Section 4 of that Policy states that the standards in the London Plan will be used to assess whether new housing development provides an appropriate level of residential quality and amenity,

and then sets out 6 criteria to be met. Criterion 4 a) requires that proposals meet the minimum space standards for new development, which should conform with the standards in the London Plan. Criterion 4e) sets out 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"*.

Internal and external space

7. The submitted floor plan and appellant's statement set out that the floor area of the proposed flat with a ceiling height over 1.5 metres, including storage areas, would be 39.95 square metres (sqm). Of that, they state that 30.5sqm would have a floor to ceiling height of at least 2.5m, which exceeds the requirement in Policy D6 of the London Plan (2021) that at least 75 per cent (%) of the Gross Internal Area (GIA) of each dwelling have a ceiling height of a minimum of 2.5m.
8. However, part of the bedroom would have a sloping roof and as such some of that floorspace falls below the 2.5m requirement. This would conflict with the requirement of DM Policy DM32 criterion 4b), which requires habitable rooms and kitchens and bathrooms to have a minimum floor height of 2.5 metres between finished floor level and finished ceiling level. It goes on to state that space that does not meet this standard will not count towards meeting the internal floor area standards.
9. The minimum floor area for a 1 bed, 1 person property (with a shower room) is 37sqm, as set out in Table 3.1 of the London Plan. Neither the Council or the appellant has provided a figure for the area of floorspace of the bedroom that has less than 2.5m ceiling height. Therefore, when this space is discounted, I cannot be certain that the proposal would meet the minimum floor space required by the London Plan. Consequently, the proposal would result in a degree of conflict with DM Policy DM32 and London Plan Policy D6 in terms of the internal space proposed.
10. The proposed balcony would not meet the requirement in Policy D6 to provide 5sqm of private outside space, with a minimum depth of 1.5m. While access to a larger communal garden is proposed, this would be shared with the existing flat and as such would not be private space for the occupiers of the proposed flat. In any case, the submitted floorplans show that access to the rear garden area is only possible through the existing first-floor flat or from the rear of the terrace. Therefore, future occupiers of the proposed flat would have to exit at the front of the building and walk around the terrace to the rear lane to access the garden. This is unlikely to make that space attractive to them for use for leisure purposes.
11. While it is noted that a local park is nearby, this does not represent private open space and does not justify under-provision on site. No exceptional circumstances have been demonstrated to justify the lack of adequate provision as required by the London Plan Supplementary Planning Guidance document 'Housing' (2016) (the Housing SPG). Consequently, it has not been demonstrated that the proposal would provide suitable, adequate private outside space for future occupiers.

Accessibility

12. London Plan Policy H1 seeks to ensure that ten-year housing targets are achieved through, amongst other criteria, optimising the potential for housing delivery on suitable and available brownfield sites, including sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.
13. The appeal site's PTAL rating of 2 means that the proposed unit would have a poor level of public transport accessibility. The appeal site is however stated to be approximately 600m from the designated Lewisham Town Centre boundary. As such, it is the type of site encouraged for housing delivery by Policy H1. The site is 1km from the nearest main line station and a short distance from bus stops with frequent services in various directions.
14. I note that a potential extension of the Bakerloo Underground Line is also a possibility, however, no detail of the location of a new station is before me, and neither do I have information on the timetable or likelihood of this happening, or the impact on the PTAL of the site. I can therefore afford this limited weight as a potential future boost to the site's accessibility.
15. Consequently, the appeal site has good access to services and facilities but poor access to public transport. As such, it is reasonably accessible, but not the highly accessible location required by DM Policy DM32 4e) for single person dwellings.

Conclusion on main issue

16. The external appearance of the proposed development would be acceptable given the various other large roof extensions in the area. However, it has not been demonstrated that the proposal would provide the internal and external space requirements to comply with development plan policies, and no exceptional circumstances have been demonstrated to justify under-provision. As such, the proposal would not constitute exceptional design quality. Nor is the site in a highly accessible location.
17. The proposal would therefore conflict with DM Policy DM32 and London Plan Policy D6, and consequently, would not provide appropriate accommodation for single person occupancy, having regard to the provision of internal and external space and accessibility.

Planning Balance

18. The latest five-year housing land supply figure from the Council dates from 2019 and shows a 5.61 year supply. However, this predates the new London Plan which has increased the required housing target across the city and in Lewisham. The appellant suggests this figure would be 4.66 years based on the amended target in the new London Plan, which the Council has not expressly disputed. Consequently, the evidence before me is that the Council cannot currently demonstrate a Framework compliant supply of deliverable housing land and therefore, having regard to Framework footnote 7, the most important policies for determining the appeal are out-of-date.
19. DM Policy DM32 is however generally consistent with the Framework in that it seeks to achieve high-quality design, a high standard of amenity and deliver housing in accessible locations. Having regard to Framework paragraph 213, I

therefore afford the conflict with Policy DM32 substantial weight. The London Plan is very recently adopted and as such is consistent with the Framework, and I therefore give the conflict with its policies very great weight.

20. The proposal would contribute to boosting the supply of homes and make efficient use of a small, already developed site as supported by the development plan, including London Plan Policies H1 and H2. However, for the reasons set out above the proposal would not be a well-designed new home, which Policy H2 promotes. Nor would it meet the objective in the Housing SPG to improve standards for the quality and design of homes. Overall, therefore, I consider that the proposal would conflict with the development plan when read as a whole.
21. The figures quoted by the appellant from the Lewisham Strategic Housing Market Assessment and dwelling mix show a demand for smaller 1- and 2-bedroom units with the Borough. As they have not been disaggregated they do not quantify the demand for 1 bed units alone. Nevertheless, there is clearly a need for smaller units to which the proposal would contribute.
22. The housing land supply shortfall indicated by the appellant is modest and the proposal would provide only one dwelling. However, the 2020 Housing Delivery Target figures also indicate that housing delivery has been below targets for the last 3-year period. In such circumstances all housing contributions are valuable and, given the identified need for small units, I afford the benefits of one additional dwelling moderate weight. Nevertheless, I do not consider that the need for this type of housing is sufficient to constitute the exceptional circumstances required to justify a single person dwelling in respect of DM Policy DM32, particularly given the conflict with other policies and the quality issues set out above.
23. Although permitted development rights exist for upward extensions to some properties it has not been demonstrated that the proposal would fall within the limitations of the relevant legislation, and as such there is no demonstrable fall-back in this case.
24. The proposal would benefit from the Framework support for small sites, development on previously developed land and efficient use of land with respect to achieving appropriate densities, and meeting the needs of different parts of the community. I afford these matters substantial weight. However, there is conflict with the Framework requirement to achieve a high standard of amenity for all users, which, given the importance the Framework places on good design, also carries substantial weight. Therefore, I consider that even if the shortfall in housing land supply is as great as the appellant indicates, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
25. Consequently, there are no material considerations, including the benefits of the proposal and the Framework, that indicate the proposal should be determined other than in accordance with the development plan.

Other Matters

26. The appellant references an appeal decision in Gloucestershire¹ where an Inspector concluded that, given a substantial shortfall in the 5 year supply of

¹ Appeal Ref: APP/G1630/W/19/3233022

housing and limited harm found, material considerations in that case justified taking a decision otherwise than in accordance with the development plan. The circumstances outlined by the Inspector with regards to the weight given to the out of date locational policies of the development plan, for example, are materially different to that before me and as such the cases are not directly comparable.

Conclusion

27. For the reasons given above, I therefore recommend that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR