



Appeal Decision

Site visit made on 24 June 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal Ref: APP/C5690/W/20/3260971

124-126 Loampit Vale, Lewisham, London SE13 7SN

- 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 Anil Madhok against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/116721, dated 15 May 2020, was refused by notice dated 24 July 2020.
 - The development is for the erection of a first and second floor extension on the rear of 124 and 126 Loampit Vale and associated internal alterations to both properties to provide a 2 commercial units (A1 or A2 use) on the ground floor with storage on the lower ground floor and 6 x one bedroom self-contained flats on the lower ground, ground and upper floors of both properties, together with the part excavation of the rear to create a light well, and the installation of a roof light in the rear roof slope.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to the London Plan 2016; the 2021 version (LP) has since been published. I shall have regard to this policy context in the determination of the appeal.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Whilst I have had regard to the revisions, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the changes to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues are the effect of the development on:
 - the vitality and viability of the parade;
 - the character and appearance of the property and surrounding area;
 - the living conditions of future occupants of the development with regard to the provision of outdoor amenity space, the layout of the internal accommodation and the provision of cycle parking facilities.
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Reasons

Vitality and viability

5. The appeal site comprises a four storey, mid-terrace property located on Loampit Vale near the junction with Elswick Road. It forms part of a parade of buildings comprising a mixture of commercial and retail units on the ground floor with residential units on the upper floors.
6. Both the main parties refer to an extant permission at 126 Loampit Vale (Council reference DC/19/113955). This approved the conversion of one half of the appeal site to provide a commercial unit on the ground floor with storage on the lower ground floor and 1 one bedroom self-contained flat, together with the configuration of the upper floors to form 1 two bedroom flat.
7. I am cognisant that the appeal scheme would result in the loss of commercial floor space within the units and the rear service access. However, the extant permission is a significant material consideration, which cannot be ignored. I am not clear why the Council did not request any marketing evidence at the time or question the loss of rear access. On balance, the appeal proposal would still retain commercial floor space, albeit smaller than existing. The plans demonstrate that there would be ample space for storage in the basement together with a toilet and kitchenette for staff use. I am satisfied that the loss of the rear access would not harm the vitality and viability of the units as there are loading bays in close proximity to the appeal site.
8. I therefore conclude that the proposal would not cause material harm to the vitality and viability of the parade. It would meet policy 6 of the Lewisham Core Strategy June 2011 (CS) and policy 16 of the Lewisham Development Management Local Plan November 2014 (DMLP), which seek to protect local shopping facilities and parades in order to provide for the day-to-day needs of local residents and supplement the facilities available in other larger shopping centres.

Character and appearance

9. The scheme includes a rear addition to the each of the appeal properties at first and second floor level. My attention is drawn to the Lewisham local plan Alterations and Extensions Supplementary planning document April 2019 (SPD), which provides advice on two storey rear extensions.
10. I am of the view that the proposal would be designed acceptably and would assimilate with the rear wall of the parade. It would neither be overly dominant, nor have an excessive depth or width. The flank parapet walls would lie comfortably under the eaves of the host building. It would be primarily visible from the public domain from Elswick Road; such views would be tempered by the multi-faceted urban context in which it would be located, including garages to the fore and the rear extension to no. 120 Loampit Vale as a backdrop. Overall, the element would not be an unduly prominent or detrimental feature, instead it would complement the building and would integrate acceptably with the terrace and the wider street scene.
11. As such the extension would be acceptable having regard to policies 15 of the CS, 30, 31 and 32 of the DMLP and the SPD. Taken together these require development to be of high quality design, to prevent visual intrusion and to reflect the character of the surrounding area. The proposal would also be

consistent with the Framework which states that good design is a key aspect of sustainable development.

Living conditions

12. The appeal scheme does not provide any outdoor amenity space for the four one-bedroom flats. The Council acknowledges that where site constraints make outdoor space provision difficult, significant additional internal living space would be expected for each of the respective units. I agree with this pragmatic approach, however in this instance the size of each of the proposed units only slightly exceeds the minimum space requirements set out in the Technical housing standards – nationally described space standard March 2015 (THS).
13. The appellant contends that there are a number of open spaces in close proximity to the site. However, and still bearing in mind the size of the units, I do not consider this to be an exceptional circumstance that would justify inadequate provision of appropriate outdoor amenity space within the development. In my view, public open space would not be used in the same way as incidental amenity areas on site.
14. I note the other examples provided by the appellant where units were approved without amenity space. However, such instances would be neutral considerations in any balance against planning harm, and in any event each case must be assessed on its own merits.
15. The Council highlights in the officer's report (page 9, paragraph 3) that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. Concern is raised in respect of the size of rooms in Flat 3 of each unit, be it the living room or kitchen/diner.
16. Whilst I note that the overall size of the individual units would be compliant with the THS, the scale of the living room or kitchen/diner in Flat 3 of each unit would appear as an afterthought rather than carefully designed and well-integrated habitable areas. This would result in a cramped and oppressive environment for future occupants, and have a significantly limiting effect on the usability and function of each of the rooms for residential occupation.
17. The plans show cycle parking within each of the flats. The location of the storage would require the occupants of the units in the upper floors to carry bicycles up the staircase, which is tight and contains a number of 180-degree turns. To my mind, such an arrangement would be inconvenient for future occupants of the dwellings. Moreover, the siting of parking to the front of storage cupboards would represent a restricted and contrived solution, to the detriment of the usability of communal areas within each of the flats.
18. I note the Council's objections in respect of the bedrooms in the loft of Flat 3 to each property having regard to overheating and outlook. Nonetheless, given the two-storey nature of the respective units, I am satisfied that there would be sufficient opportunity for future occupants to seek refuge on the floor below in the event of excessive heat. Similarly, adequate outlook would be provided from the living accommodation. As such, I am not convinced such arguments in isolation would warrant dismissal of the appeal, although this reasoning does not override my other thoughts in respect of living conditions.
19. Overall on this matter, the lack of external amenity space, limited room sizes and unacceptable cycle parking provision would be harmful to the living

conditions of future occupiers. There would be conflict with policies 1, 14 and 15 of the CS, 32 of the DMLP, D3 and D6 of the LP, and the London Plan Housing Supplementary Planning Guidance 2016. Collectively these require all development to protect the amenity of future occupiers, to secure acceptable cycle storage and to promote sustainable means of travel.

Conclusion

20. Although there would be no material harm to the vitality and viability of the parade or the character and appearance of the area, the appeal proposal would have an adverse effect on the living conditions of future occupants for the reasons outlined above. Consequently I conclude that the appeal should be dismissed.

C Hall

INSPECTOR