
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: 26 August 2021

Appeal Ref: APP/C5690/W/21/3268239

373 Lewisham High Street, London SE13 6NZ

- 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 J Mills against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/119071, dated 4 November 2020, was refused by notice dated 7 January 2021.
 - The development proposed is for the conversion of the existing upper ground floor into one bedroom self contained flat, new shopfront and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing upper ground floor into one bedroom self contained flat, new shopfront and alterations at 373 Lewisham High Street, London SE13 6NZ in accordance with the terms of the application, Ref DC/20/119071, dated 4 November 2020, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council's decision notice refers to the London Plan (2016) and the Intend to Publish London Plan (2019); the 2021 version has since been published (LP). 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 Issue

4. The main issue is the effect of the development on the living conditions of future occupiers with regard to outlook.

Reasons

5. The appeal site is a four storey, mid-terrace property located on Lewisham High Street between the junctions with Mount Pleasant Road and Roxley 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. The appeal proposal primarily relates to the conversion of the upper ground floor to provide a one-bedroom, self-contained flat. The Council is concerned that the depth of the kitchen and dining area would result in an unacceptable outlook from this part of the flat.
7. I am not persuaded that this would be the case. The plans show that the combined living, kitchen and dining area would be served by a set of French doors, a new rear window and two new roof lights. To my mind the accommodation would be provided with adequate levels of daylight and sunlight, and the eye would be drawn towards the views out over the rear garden area. I am also aware that the size of the flat would considerably exceed the requirements of the Technical housing standards – nationally described space standard. Overall I consider that the proposed unit would represent an acceptable standard of residential accommodation.
8. I note that the Council does not appear to object to the new shopfront arrangement and I have no reason to disagree. It would be of a design that would be appropriate to the host property and surrounds.
9. I therefore conclude that the proposal would not cause harm to the living conditions of future occupiers with regard to outlook. It would accord with policy 15 of the Lewisham Core Strategy June 2011, policies 32 and 33 of the Lewisham Development Management Local Plan November 2014, and policy D6 of the LP. Collectively these policies seek to ensure new development would provide high quality accommodation for future residents. It would also be consistent with the advice in the National Planning Policy Framework which seeks to ensure safe and healthy living conditions.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
11. A condition would be necessary, in the interests of visual amenity, to control soft and hard landscaping and boundary treatments. Conditions relating to the provision of cycle parking and refuse and recycling storage are necessary to ensure provision of such elements on the site.

Conclusion

12. The appeal should be allowed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plans, location plan, LHS/03, LHS/04.
- 3) The dwelling shall not be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping and boundary treatments. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. LHS/03 for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. LHS/03 for refuse storage and the space shall be kept available for that use thereafter.