



Appeal Decision

Site visit made on 7 September 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/C5690/W/20/3263843

194 Lewisham High Street, Hither Green, London SE13 6JL

- 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 Mohammed Waseem against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/116390, dated 4 April 2020, was refused by notice dated 22 June 2020.
 - The development proposed is the construction of rear extension at first floor, additional storey being constructed on top of the building to provide 4x one bedroom self-contained flats with cycle and refuse storage, together with excavation works to create ancillary basement store space to the retail unit at 194 Lewisham High Street, SE13.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. Revised versions of the National Planning Policy Framework (the Framework) and the London Plan have been published since the appeal was lodged. The Council has confirmed which policies of the new London Plan it considers to be relevant to the proposal. Both main parties have had the opportunity to comment on any relevant implications for this appeal.

Main Issues

4. The main issues are the effect of the proposal on:
 - The living conditions of residents with regards to living space, refuse storage, outlook, light, ventilation, access and outdoor space;
 - The development of regeneration sites;
 - The character and appearance of the area; and
 - Cycle parking.

Reasons

Living Conditions

5. The Council Officer's Report specifies that all of the proposed flats fall below the space standards of the London Plan in respect of overall floor area, and that flats 1 and 3 also do not meet the standard in respect of built-in storage. Whilst the Council accepts that the standards may not be applied mechanistically, it is clear that the development as a whole falls below the identified standards and this is a matter which weighs against the proposal.
6. The bin and recycling facilities would be located at the ground floor in an internal access corridor which serves the flats. No substantive evidence has been provided in respect of ventilation, and I consider that the Council's concerns about an unpleasant residential environment are well founded. This may also result in residents storing the bins within an external access route, which I will return to later in this decision.
7. The outlook from the flats would primarily be to the south, across an accessway and the roofscape of nearby properties. Although this outlook would not be particularly attractive, the relatively low level of the nearby roofscape would enable an appropriately open view from the flats. The appellant has also provided substantive evidence which concludes that all habitable rooms of the development exceed the minimum target values for natural daylight set out within relevant guidelines, and would comply with guidance in respect of ventilation and overheating. The Council has provided no evidence to demonstrate otherwise. On the basis of the evidence before me, I conclude that the proposal would provide suitable living conditions in respect of outlook, light and ventilation.
8. The access to the proposal would be via a route which also serves the adjacent Model Market, and which was gated at the time of my visit. However, an existing access to the property uses this route which indicates that there is a right of access to the appeal proposal. The appellant has also questioned the planning status of the extant gates. On the basis of what I have seen and read, I consider that a suitable external access to the appeal site could be provided. This matter could also be addressed by appropriate conditions requiring further details and implementation of access prior to occupation. This matter does not therefore represent a reason for withholding planning permission.
9. The Council refers to the Housing Supplementary Planning Guidance 2016 (the SPG) in respect of private outdoor space. However, each flat includes a balcony of 5-6m² which would meet the relevant standards of the SPG.
10. Notwithstanding my conclusions in respect of outlook, light, ventilation, access and private outdoor space; given the shortfall in respect of internal space standards and the harm arising from refuse storage, on balance, I consider that the proposed flats would not provide suitable living accommodation for residents. The proposal would therefore be contrary to policy D6 of the London Plan 2021 and policy 32 of the Local Plan¹ in respect of space standards and the functional requirements of residents. The proposal would also be contrary to the Framework in respect of achieving a high standard of amenity for residents.

¹ Development Management Local Plan 2014

11. I find no conflict with policy CS15 of the Core Strategy² as this does not address issues of living conditions in respect of the area containing the appeal site. The proposal would also comply with the advice of the SPG in respect of private amenity space. However, these matters do not negate the harm that I have identified on the main issue of living conditions.

Regeneration Sites

12. The appeal site is within the Lewisham Central Policy Area identified in Policy LTC8 of the Lewisham Town Centre Local Plan. The appeal site is also part of designated site S10, which includes a number of site specific requirements for the redevelopment of the area, including the adjacent Model Market and pedestrian route improvements.
13. As a mixed-use development, the proposal does not conflict with the uses proposed by the development plan.
14. However, policy D3 of the London Plan seeks to ensure that all development makes the best use of land through a design-led approach which optimises the capacity of sites, including site allocations. This policy also refers to the consideration of design options that respond to a site's context and capacity for growth. The Council considers that the appeal proposal makes no reference to site S10 and fails to take account of this strategically important location.
15. The appellant submits that adjacent land parcels do not benefit from any live or extant planning application. However, the appeal proposal relies on adjacent land within site S10 to address issues including access, light and outlook. The proposal may also generate external refuse storage affecting proposed pedestrian route improvements. Should the appeal proposal be implemented, these issues could significantly affect the development of the adjacent land. The appellant has provided no substantive evidence to demonstrate how the proposal could be implemented without unduly fettering the development of adjacent regeneration sites.
16. Mindful of the strategic importance of site S10 within the town centre, and the requirements of the development plan for a design-led approach, I conclude that it has not been demonstrated how the proposal would affect the development capacity of adjacent sites. There is a significant possibility that the proposal could materially harm the development of an important regeneration site. The proposal would therefore be contrary to policies D3 and D4 of the London Plan; policy 15 of the Core Strategy; policies 30 and 32 of the Local Plan; and policy LTC8 of the Lewisham Town Centre Local Plan 2014. Together, these policies seek to ensure the scrutiny of development proposals to optimise site capacity and deliver good design, including in respect of constraints and opportunities as well as the existing and emerging context. The proposal would also be contrary to paragraph 130 of the Framework which seeks to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Character and Appearance

17. The appeal site consists of a two storey building with commercial uses on the ground floor with residential uses above. It is located in a commercial area

² Core Strategy Development plan document 2011

which contains a variety of buildings, including buildings of a significantly greater scale and height in the vicinity of the site.

18. The proposed extension would replace the pitched roof of the current frontage building with a higher building of a flat-roofed design. However, this would complement the scale and form of the adjoining building. Furthermore, the upper 2-stories of the frontage would include windows of an appropriate design and arrangement. The commercial façade on the ground floor would also respect the existing façade and neighbouring building.
19. The proposal would increase the scale of the building extending to the rear of the site. However, this would be viewed against buildings of a significantly greater scale and bulk. Within that context, the rear extent of the proposal would not appear as an unduly obtrusive feature.
20. I conclude that the proposal would not harm the character and appearance of the area. On this main issue, the proposal would therefore not conflict with the design considerations of policy D4 of the London Plan or policies 30, 31 and 32 of the Local Plan. For the same reasons, the proposal would not conflict with paragraph 126 of the Framework in respect of good design.

Cycle Parking

21. The cycle parking indicated on the submitted plans is a two-tier rack design which may not be suitable for the needs and abilities of all users, particularly in respect of lifting cycles up to the higher tier of the rack. However, the Council accepts that there is space within the curtilage of the property for cycle parking facilities. The provision of suitable cycle parking provision could therefore be addressed by condition, and this matter does not represent sufficient reason for withholding planning permission.
22. Subject to a condition requiring details of suitable cycle parking provision, the proposal would comply with policy T5 of the London Plan and policy 14 of the Core Strategy in respect of cycling and sustainable transport.

Conclusion

23. Notwithstanding my conclusions on character and appearance as well as cycle parking, I conclude that the proposal would lead to significant harm to the living conditions of future residents and potentially significant harm to regeneration sites. The proposal would therefore conflict with the development plan and the Framework when read as a whole in respect of achieving well-designed places and sustainable development.
24. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR