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# Appeal Decision

Site visit made on 9 March 2022

**by H Miles BA(hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 MARCH 2022**

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**Appeal Ref: APP/C5690/W/21/3282375**

**Perry Mansions, Creeland Grove, London SE6 4PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr A Friedman of Open Homes Estates Ltd against London Borough of Lewisham.
  - The application Ref DC/21/121666, is dated 4 May 2021.
  - The development proposed is the construction of a two-storey extension at roof level to provide 3 self-contained flats, together with associated cycle and bin storage.
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## Decision

1. The appeal is dismissed and planning permission for the construction of a two-storey extension at roof level to provide 3 self-contained flats, together with associated cycle and bin storage is refused.

## Preliminary Matters

2. Revised plans have been submitted within the appellant's evidence. These drawings include revisions which were not before the Council at the time that they made their decision and interested parties would not have been made aware of these revisions. Therefore, in the interests of fairness and openness these revised plans will not form any part of this assessment.

## Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the quality of the living conditions for future occupiers with particular regard to the size and outdoor space to Flat C.

## Reasons

### *Living Conditions*

4. Flat C would be 50sqm in size, with a suitably sized double bedroom. This would provide adequate internal space for a 1-bedroom, 2-person flat.
5. Private open space would be provided as front and rear terraces. Consequently, it is possible to provide such space on this site. However, the terraces proposed would be very narrow and as such would not provide practical space or utility. Therefore, the proposed private open space would not provide a suitable space for furniture, access, and activities for a two person dwelling. Even though occupants would have access to some poor quality outdoor space, this would nevertheless result in unacceptable living conditions for future residents of Flat C.

6. The fourth floor units are double aspect and the fifth floor unit is triple aspect. However, the acceptability in this regard does not overcome the lack of amenity space.
7. Consequently, the proposed development would not provide acceptable living conditions for future occupiers with particular regard to the outdoor space to Flat C. As such the proposed development would be contrary to Policy D6 of the London Plan (March 2021) (LP) and Policy 32 of the Development Management Local Plan (November 2014) (DMLP). Together these policies require new building housing development to have private usable external space, and sets minimum sizes, depths, and widths for private outside space. It is also contrary to the advice in the Housing Supplementary Planning Guidance of the London Plan 2016 (March 2016) in this respect.
8. Policy 1 of the Core Strategy (June 2011) (CS) mainly relates to housing mix and affordability. Therefore, the policies set out above are more relevant to this main issue.

#### *Character and Appearance*

9. Perry Mansions is a three storey block of flats on Creeland Grove. Its immediate surroundings are characterised by four and five storey blocks of flats, some of which include set back upper floors. The wider area has mainly two and three storey buildings.
10. The proposed fifth floor would be in render with fenestration similar to that below. The set backs to all sides, along with its height, materiality and set in water tanks which are similar to the adjoining property would result in a secondary appearance to this upper floor and reflect the appearance of the neighbouring property. The design includes extended chimneys, however these are relatively slender and separate from the extension and do not result in an overly dominant appearance.
11. The fourth floor would extend directly upwards from the existing block and would read as part of this building. The detailed design would replicate that below. In the context of the nearby 4-5 storey buildings, the proposed four storey building with set back fifth floor would be appropriate.
12. The rear of the Perry Mansion blocks includes rear balconies, and the rails above 111 Perry Hill indicate terraces in this location. As such outdoor amenity space at upper floors forms part of the character of these surroundings. Consequently, terraces would not be a harmful feature in this setting.
13. Therefore, the proposed development would have an acceptable effect on the character and appearance of the area. As such, in this respect, it would be in accordance with Policy D3 of the LP, Policy 15 of the CS and Policies 30 and 31 of the DMLP. Together these policies provide detail as to how high quality design, using a design led approach can be achieved, with particular regard to extensions to existing buildings.

#### **Other Matters**

14. Prior Approval was refused for the construction of two additional storeys in March 2021 for three reasons. As such, the evidence before me does not persuade me that it is likely that there is a real prospect that the appeal

scheme could be carried out under permitted development. Consequently, this does not justify the development before me now.

15. The proposed development would provide the benefits associated with the provision of three homes in an accessible location making efficient and effective use of a small, brownfield site. However, these benefits are not unique to this proposal. Taking into account the scale of the proposed development these benefits would be minor. The lack of harm regarding character and appearance is a neutral factor.
16. On the other hand, the proposed development would create a property where future occupants would be subject to inadequate living conditions. Given its scale and nature, I quantify this harm as modest. Consequently, this would not be outweighed by the minor benefits set out above and does not represent sustainable development.

### **Conclusion**

17. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the National Planning Policy Framework (2021), to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*H Miles*

INSPECTOR