



Appeal Decision

Site visit made on 18 October 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11th November 2022

Appeal Ref: APP/C5690/W/22/3296466

141 Wellmeadow Road, London SE6 1HP

- 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 Mrs C Rudling against the decision of the Council of the London Borough of Lewisham.
 - The application Ref: DC/21/124756 dated 10 December 2021, was refused by notice dated 18 February 2022.
 - The development proposed is conversion of the existing building fronting Wellmeadow Road from a mixed use as a dance and stage school (ground floor) and 1no. three bedroom residential flat (first floor) to 3no. self-contained two-bedroom flats (ground and first floor) and erection of single-storey infill extension to rear NE corner, together with the conversion of the existing detached single-storey dance school studio building located to the rear into 1no. three bedroom dwelling and associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were received during the application process and my consideration is based on the plans determined by the Council.
3. Since the planning permission was refused on the scheme now before me, an alternative scheme has been granted planning permission by the Council under its reference: DC/22/126593 and dated 24 June 2022 for change of use of the existing building fronting Wellmeadow Road with alterations to 1 x 3 bedroom flat and 2 x1 bedroom flats. On the approved plans, the rear outbuilding is shown for ancillary residential accommodation for the adjacent 3 flats.

Main Issues

4. The main issues in this appeal are:
 - a) Whether the proposal would provide a satisfactory living environment for future occupiers, and
 - b) Whether the proposal would provide satisfactory and safe access and parking, including in relation to access to the neighbour's garage.

Reasons

Issue a) Living Conditions for Future Occupiers

5. The appeal site comprises a large building fronting Wellmeadow Road, that was originally built as a house but for many years has been used as a dance/ stage school on the ground floor with a residential flat above. There is a purpose built outbuilding at the rear used as a dance studio in connection with the main property. The site lies within a predominantly residential area, and in the particular circumstances of this case, the Council raises no issues relating to the loss of the dance and stage school and change of use to residential. I have no reason to take a different view.
6. The proposal would, following alterations and extensions, create three flats in the main building and one residential unit in the outbuilding.
7. The proposal would create, following alterations, a generous sized 3 bedroom dwelling in the former outbuilding. It would benefit from a lounge/kitchen /diner at the front with full length glazing facing towards the main building. There would be three double bedrooms at the rear. The existing high level windows at the rear would be deepened to serve Bedroom 1 and 2, and Bedroom 3 would also benefit from a side facing window which also would be deepened. I do not share the Council's concerns regarding the potential for overlooking of these bedrooms from neighbouring gardens, given the height of the boundary treatment, providing this height were retained.
8. However, and as seen at my site visit, the rear and side of the building is very close to the boundaries of the site and I do not consider that, even with the deepening of the existing windows, that the future occupiers would have an acceptable outlook from the windows. The outlook would be directly onto the boundary fence in very close proximity and would result in a poor living environment for future occupiers, particularly as all three bedrooms would be affected in the same way.
9. I am not therefore satisfied that the proposed development would create a satisfactory outlook for future occupiers in respect of the new residential unit proposed in the former dance studio. This would not provide satisfactory living conditions for these occupiers.
10. The Council has also raised as a reason for refusal the window arrangement to the second bedroom in Flat 3, with an obscure glazed window facing towards the shared driveway. This would overcome the concerns of overlooking and a lack of privacy to occupiers of the room from people passing by along the shared access. Although it would also benefit from a roof light and there would be no issue with the level of light to the room, I agree with the Council's concerns that it would have a very restricted outlook which would not provide a good standard of amenity for future occupiers.
11. I am therefore not satisfied that the proposals would create satisfactory living conditions for future occupiers. This harm would conflict with Policy D6 of the London Plan 2021, Policy 15 of Lewisham's Core Strategy, Policy DM 32 of the Lewisham Development Management Local Plan (2014) (Local Plan), as well as the National Planning Policy Framework, and in particular paragraph 130 f), all of which, amongst other matters, seek a high standard of amenity for existing and future occupiers.

12. Were no other matters of concern and planning permission were to be granted, I consider that conditions could be imposed to ensure that the proposed dwellings could be provided with satisfactory levels of outdoor amenity space with appropriate screening to ensure that there would be no unacceptable overlooking and loss of privacy for the future occupiers of the individual units, and particularly in terms of the rear facing windows and terrace in the main building and the main living space of the converted dance studio.
13. I have sympathy with the Appellant's objectives to seek to re-use the existing outbuilding, which appears to have been built to a high standard, but in my view the current proposal would not create a satisfactory living environment for future occupiers for the reasons set out above.

Issue b) Satisfactory Access and Parking

14. There is a shared driveway between the property and No 139, leading to the rear of the appeal property and to a garage and rear garden serving No 139. There would be no physical change to this driveway.
15. The proposed development shows pedestrian access only to the proposed residential dwelling in the former dance studio and rear pedestrian access to two of the three flats in the main building would also be possible. Nonetheless, taking into account the number of dwellings where either primary or secondary access would be gained via the driveway, there would be relatively low numbers of pedestrians passing along the driveway.
16. Given the very short length of the shared driveway and the good visibility from front to back as well as the very low levels of traffic using the driveway, I am satisfied that there would be no material harm to pedestrian safety from the proposed arrangement. There would also be no material increase in noise from the pedestrian use of the driveway and taking into account the blank side façade of the adjoining property, the living conditions of the neighbours would not be harmed. There would be no conflict with Policies DM 29, DM 30, DM 32 and DM 33 of the Local Plan in this regard.
17. In respect of parking, the existing front hardstanding can accommodate two cars and these would be retained to serve the four residential units. Contrary to the views of the Council, this number of spaces to serve the number of units proposed would appear to be in accordance with the requirements of the London Plan as set out under Policy T6 and Policy T6.1 and Table 10.3, indicating up to 0.5 spaces per dwelling. The proposal would also include for an electric charging point.
18. I am therefore also satisfied with the parking arrangements to serve the proposed development and that they would accord with the relevant parking policies, Policy T6 of the London Plan and Policy 14 of the Lewisham Core Strategy. I also see no conflict with the National Planning Policy Framework, including paragraphs 108 and 124, referenced by the Council in its reasons for refusal.

Conclusion

19. I have no concerns in respect of the access, pedestrian safety and parking arrangements but these findings do not outweigh the harm I have concluded that the proposal would not create a high quality living environment for future occupiers, particularly in terms of the outlook from each of the three bedrooms

in the converted former dance studio and one of the bedrooms in one of the flats in the front building.

20. I agree that the proposal would create additional residential dwellings which would be a public benefit of the scheme and for which there is strong support at a national, London wide and local level. However, this benefit would not override the need to ensure that such dwellings should provide a good quality living environment for future occupiers. Creating a good quality living environment for both existing and future occupiers is a key aspect of sustainable development, as set out under the development plan and the Framework. The harm I have concluded would be significant and as a result, sustainable development would not be achieved.
21. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR