



Appeal Decision

Site visit made on 29 March 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 MAY 2023

Appeal Ref: APP/C5690/W/22/3305555

Flat 1, 2 Algiers Road, Ladywell, London, SE13 7JE

- 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 Ergen against the decision of the London Borough of Lewisham.
 - The application Ref DC/21/124368, dated 17 November 2021, was refused by notice dated 8 July 2022.
 - The development proposed is basement extension, rear extension and internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw on my visit that the existing layout of the ground floor flat does not fully reflect the existing or proposed plans of the flat submitted as part of the application. Nonetheless, this has not affected my assessment of the main issues in this appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide satisfactory living conditions for future occupants, with specific regard to ventilation; and
 - The effect of the proposed development on the living conditions of neighbouring occupants and the significance of the Ladywell Conservation Area, with specific regard to the structural integrity of the host property, No. 2 Algiers Road, and the adjacent property, No. 4 Algiers Road.

Reasons

Living Conditions

4. The proposed basement space would be served by two openings, a set of patio doors serving the bedroom and a window serving the hobby room/bedroom. The window serving the hobby room/bedroom, although relatively narrow would not be small. It would be positioned under the stair walkway albeit this would be perforated to allow light through. Nevertheless, the hobby room/bedroom would be relatively large and the depth of the room from the proposed window would be significant. Given this, I am not satisfied that the

proposed window, despite its moderate size, would provide adequate natural ventilation to the whole of the room.

5. Notwithstanding this, it has been put to me by the appellant that the structural report submitted with the application detailed that the extension could be provided with mechanical ventilation. Also, that if these details were not found acceptable, the Council could have requested amended plans or imposed an appropriately worded condition to secure mechanical ventilation.
6. I cannot see any details regarding mechanical ventilation in the series of structural drawings submitted as part of the application. I therefore have concerns regarding the ability of such ventilation to be installed and the impact it could have on the living conditions of neighbouring occupants, particularly in terms of noise. Paragraph 4.8.17 of the Lewisham Local Plan Alterations and Extension Supplementary Planning Document (2019) (SPD) advises that full details of any mechanical ventilation system and a noise report should be submitted with the application. These details should include the location of pumps and fans so that the impact on neighbouring properties can be assessed. In the absence of these details and without the certainty that such ventilation could be installed, it would not be reasonable for me to impose a condition to secure this.
7. Accordingly, for the reasons above, the proposed development would fail to provide sufficient ventilation to the basement space, which would result in harmful living conditions to future occupants. Thus, it would conflict with Policy 15 of the Lewisham Local Development Framework Core Strategy Development Plan Document (2011) (Core Strategy), Policies 30 and 31 of the Lewisham Local Development Framework Development Management Local Plan (2014) (Local Plan) and the SPD. These seek to ensure that proposals attain the highest standard of design by, amongst other things, providing satisfactory living conditions for both future and neighbouring occupants.

Structural Integrity

8. The appeal property is a terrace house located within the Ladywell Conservation Area (LCA). I have therefore approached this appeal in the context of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as amended, which requires me to pay special attention to the desirability of preserving or enhancing the character of the conservation area.
9. Although attached to a more modern house, No. 2A Algiers Road, on one side, the appeal property, together with No. 4 Algiers Road, is an example of a two bay house, built by the Lewisham builder Samuel J. Jerrard between 1880-1890. The significance of the LCA, in so far as it relates to this appeal, is the architectural value of the houses along this section of Algiers Road as an attractive and highly distinctive group. The appeal property, in particular its principal elevation and roof profile, make a positive and important contribution to this significance.
10. I saw on site that the ground floor flat appeared to be in a good state of repair, as did its rear and front gardens. There is currently no basement area in existence and there were no obvious signs of any significant structural damage to the property.

11. I understand that the site has a complex history and I sympathise with the neighbouring occupants and nearby residents that were impacted by the previous unauthorised excavation. However, I have before me a series of structural drawings that set out the structural methods proposed to construct the basement and rear extensions, and which were considered acceptable in principle by the Council's Building Control team. While there is not a full structural report nor any calculations or method statement to support the structural drawings, the measures proposed, and the resulting stability of the host property and adjacent property, No. 4 Algiers Road, would be controlled and approved through Building Regulations.
12. Therefore, while I appreciate the significant detrimental effect that the previous unauthorised excavation had on the living conditions of neighbouring occupants, including the upstairs residential unit being rendered uninhabitable, there is no substantive evidence before me demonstrating why, in this case, the structural stability of the host property and adjoining property cannot be addressed by Building Regulations. Any damage caused to the properties as a result of the unauthorised excavation or future construction of the proposed development would be a private matter to be addressed by the parties involved.
13. The proposed development is largely subterranean, and the above ground works would not be visible from Algiers Road. Given this, it would not harm the significance of the LCA.
14. Accordingly, for the reasons above, I am satisfied that the structural integrity of the proposed development would be approved and controlled sufficiently by Building Regulations and, in this case, is not a reason to withhold planning consent. The proposal would therefore not result in any harm to the significance of the LCA and would accord with Policy HC1 of the London Plan (2021), Policy 16 of the Core Strategy and Policy 36 of the Local Plan, which seek to conserve and enhance the significance of heritage assets.
15. The proposal would also not result in any harm to the living conditions of the occupants of neighbouring properties and would, in this regard, accord with Policy 15 of Core Strategy, Policies 30 and 31 of the Local Plan and the SPD. However, it would not fully accord with these policies given the harm I have identified to the living conditions of future occupants with specific regard to ventilation.

Other Matters

16. The appellant refers to the proposed two storey extension as not resulting in an adverse impact upon the amenities of the neighbouring properties in terms of outlook, privacy, and light. However, the absence of harm in this regard is a neutral factor in this case.
17. While the appeal property's accessible location weighs in favour of the proposed development, it neither outweighs nor addresses the harm I have identified to the living conditions of future occupants with regards to ventilation.

Planning Balance and Conclusion

18. Overall, I have found that the structural integrity of the host property and adjacent property, 4 Algiers Road, could be sufficiently controlled by Building

Regulations and would therefore not lead to any harm to the significance of the LCA or harmful living conditions for neighbouring occupants. Nevertheless, this absence of harm neither outweighs nor addresses the harm I have identified to the living conditions of future occupants with regards to ventilation. The proposal would therefore conflict with the development plan read as a whole.

19. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR