



Appeal Decision

Site visit made on 8 June 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2023

Appeal Ref: APP/C5690/W/22/3309753

213A Deptford High Street, Lewisham, London SE8 3NT

- 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 Ivan Wong against the decision of London Borough of Lewisham.
- The application Ref DC/22/125614, dated 11 February 2022, was refused by notice dated 30 June 2022.
- The development proposed is alterations to the shopfront, construction of a two storey extension over existing ground floor following the demolition of the existing first floor to provide 2 studio flats (Use Class C3), construction of an external staircase at the rear, together with construction of a three storey, 1 bedroom detached house (Use Class C3) with a sport, recreation or fitness studio and roof top terrace area (Use Class E(d)) and associated works including bike and bin stores and courtyard.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the Council's Decision Notice as this is a more accurate description of the proposed development.

Main Issues

3. The main issues are 1) whether or not the proposed development preserves or enhances the character and appearance of the Deptford High Street and St Paul's Church Conservation Area, 2) whether or not the proposed development would provide acceptable living conditions for future occupants with specific regard to size and noise, and 3) the effect of the proposed fitness studio on the living conditions of residents on Edward Street with specific regard to noise and disturbance.

Reasons

Character and appearance of the Deptford High Street and St Paul's Church Conservation Area

4. The appeal property is a two-storey terraced property located on Deptford High Street which is a predominantly commercial area with residential properties behind the high street. Many of the units on the high street have retail or commercial uses on the ground floor with residential properties above. There is a rear yard that contains a number of outbuildings and other structures. These would be demolished and removed as part of the proposed development.

5. The property is located within the Deptford High Street and St Paul's Church Conservation Area (the conservation area) which is characterised by its historic retail and market character, with the impressive St Paul's Church providing one of its key features. The conservation area focuses on the linear Deptford High Street and Deptford Broadway. On the whole, the land beyond the rear of the commercial properties is not within the conservation area, as is the case at the appeal property. By reason of its location within the conservation area, the property benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The appeal property, along with surrounding buildings, plays an important role in defining the character of the area, which is part of the conservation area's distinctiveness and significance as a designated heritage asset. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The proposed development includes the upward extension to the existing building and alteration to the shopfront. The Council have not raised any objections to this aspect of the development and given its overall design and the make up of the surrounding area, I have no reason to form a different view and do not consider that these elements would cause harm to the conservation area.
8. The proposed development includes the erection of a three-storey building that would be located at the bottom of the rear yard. Whilst it would be lower than the extended terraced front building, its overall scale and bulk would appear overly dominant in relation to its host on this constrained site, particularly when viewed from street-level. In addition, the height of the proposed building would be disproportionate to the typical single storey height of the built form at the rear of the wider terrace, which is characteristic of the conservation area.
9. The proposed development would also obstruct views of the rear roofscape of the Deptford High Street buildings, the legibility of which makes a positive contribution to the character and appearance of the conservation area. The proposed development would run counter to the prospect of better revealing their significance.
10. I recognise that the appeal scheme would closely follow the scale and design of the adjoining building to the north. That property, however, is at the end of the terrace and fronts onto Edward Street and is therefore not directly comparable. It is also not an uncommon arrangement whereby two and three storey buildings occupy the rear portion of end of terrace plots due to the frontage relationship with another street. Therefore, the existence of the development at the end of the terrace does not in itself justify repeating this form at the appeal site. The proposed building, by virtue of its overall scale and design would introduce the unwelcome enclosure of the host building, eroding the historic pattern and architectural form of the wider terrace.
11. I therefore conclude that the proposed development would fail to preserve or enhance the character and appearance of the conservation area. It would be contrary to Policies 15 and 16 of the Lewisham Core Strategy (2011), DM Policies 30, 31, and 36 of the Lewisham Development Management Local Plan (2014) and Policy HC1 of the London Plan (2021). These policies require, amongst other things, that developments conserve the Borough's heritage

assets, new development or alterations and extensions to existing buildings are compatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials, and be of high-quality design.

12. The proposed development would also be contrary to the requirement of the National Planning Policy Framework (2021) (the Framework) that heritage assets are conserved in a manner appropriate to their significance, and that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Living conditions – future occupants

13. There would be three residential units created as a result of the proposal. These are namely, two studios above the commercial unit, and 1no. one-bedroom dwelling in the rear yard. The Council's concern as it relates to living conditions, concerns the size of studio 1, the amount of in-built storage in studio 2, and the impact from noise in relation to the proposed fitness studio that would be located above the one-bedroom dwelling.
14. Policy D6 of The London Plan (2021) outlines that housing development should provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. It also outlines that dwellings must provide at least the gross internal floor area and built-in storage area set out in the table titled 'minimum internal space standards for new dwellings'.
15. DM Policy 32 of the Lewisham Development Management Local Plan (2014) sets out that new housing development should, amongst other things, meet the minimum space standards for new development which should conform with the standards in the London Plan, and provide sufficient space for storage, in addition to the minimum space standards.
16. For a one bed studio, where a shower room is provided instead of a bathroom, the minimum gross internal floor area that must be provided is 37sqm. For studio 1, the Council outline that this measures 33.1sqm, despite the plans stating it measures 37sqm. The Council suggest that this is due to a difference in layout to the consented scheme not being accounted for in the current scheme. There is no substantive evidence to dispute the Council's figure and reasoning, therefore based on the evidence before me, the proposed studio 1 would fall significantly short of the minimum floorspace that is required.
17. In terms of storage space, Policy D6 outlines that for a one-bedroom, one person unit, there should be a minimum of 1sqm of built-in storage space. The policy outlines that built-in storage areas are included within the overall Gross Internal Area. For studio 2, the Council set out that 0.7sqm of storage would be provided, falling short of the minimum amount. I acknowledge that the difference is slight, however it is a minimum amount that is required. And whilst there may be an opportunity to increase the amount of internal storage whilst still achieving the minimum floor area, this has not been demonstrated in the proposed plans. Accordingly, the failure to provide at least the minimum amount of internal storage weighs against the development.

18. The proposal involves the provision of a fitness studio above the proposed one-bedroom dwelling. The Council are concerned over the impact on the living conditions of future occupants of the residential property.
19. Although the fitness studio would be at the rear of the premises it would be accessed from Deptford High Street and very much part of the commercial activity of the high street. In this context, where existing residential properties adjoin and are above commercial properties, a similar arrangement would exist in the appeal proposal. The appellant has also highlighted the close proximity of the appeal property with the adjacent games court.
20. I accept that a fitness studio has the potential to cause a noticeable element of noise and disturbance. Whilst it is appropriate to consider such aspects in the commercial context surrounding the site, that being a commercial high street with residential properties, it would be reasonable to impose certain restrictions on the proposed use. Were I to have allowed the appeal, I consider that the conditions suggested by the Council in relation to hours of operation, restriction of the use class, and soundproofing, would have ensured that the impact in terms of noise and disturbance would not be to an unacceptable level in the context of the appeal site.
21. Therefore, whilst I have found that the proposed development would not have an unacceptable impact on the living conditions of future residents in terms of noise and disturbance, I have found that there would be unacceptable living conditions created due to the size of studio 1 and the amount of internal storage space to studio 2. The proposed development would therefore be contrary to Policy 15 of the Lewisham Core Strategy (2011), DM Policy 32 of the Lewisham Development Management Local Plan (2014) and Policy D6 of the London Plan (2021) as set out above.
22. The proposed development would also be contrary to the requirement of the Framework that developments create places with a high standard of amenity.

Living conditions – occupants of Edward Street

23. The proposed fitness studio would also be in close proximity to the residential properties to the rear of the adjoining property which overlook Edward Street.
24. I have considered whether or not the proposed fitness studio would result in unacceptable living conditions for future occupants of the proposed development above. My consideration as it relates to the existing occupants of the nearby residential properties is consistent with that above. For the same reasons as those given above, I consider that through the imposition of appropriately worded planning conditions were I to have allowed the appeal, the proposed development would not cause an unacceptable impact to the living conditions of existing occupants with regard to noise and disturbance.
25. It follows that the proposed development would comply with the general amenity aims, in relation to noise and disturbance, of Policy 15 of the Lewisham Core Strategy (2011), DM Policies 30 and 31 of the Lewisham Development Management Local Plan (2014) and Policy D3 of The London Plan (2021).
26. As it relates to the living conditions for existing occupants of Edward Street, the proposed development would also comply with the requirement of the Framework that developments create places with a high standard of amenity.

Other Matters

27. I acknowledge that the appeal site benefits from an extant planning permission. Although I do not have full details of the case before me, it is clear from the evidence that this relates to a two-storey building with a pitched roof as opposed to the three-storey building in the current proposal. The Council also infer that, unlike the appeal scheme, the consented scheme was acceptable in relation to the living conditions for future occupants. It is therefore of limited weight.
28. The appellant has referred to other developments in the vicinity of the appeal site that are located to the rear of commercial properties on the high street. I do not, however, have full details of those schemes and cannot therefore be certain that they are directly comparable to the proposal before me. I have, in any event determined the appeal on its own individual planning merits.
29. The Government's objective as set out in the Framework is to support housing growth. The proposed development would result in the creation of three additional dwellings in a highly accessible location. The proposed fitness studio would also create a form of economic development. These are factors of moderate weight in favour of the appeal.

Planning Balance and Conclusion

30. Having regard to paragraph 202 of the Framework, I find that as the proposed development would affect a limited part of the conservation area, the harm to the conservation area is relatively localised, and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. I do not, however, find that this harm is outweighed by the provision of additional residential properties and an employment generating use in a highly accessible location or any other public benefits of the proposed development.
31. The proposed development therefore conflicts with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
32. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR