



Appeal Decision

Site visit made on 25 July 2023

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2023

Appeal Ref: APP/C5690/W/22/3305294

180 Stanstead Road, London SE23 1DA

- 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 Roberts against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/124915, dated 30 December 2021, was refused by notice dated 18 March 2022.
 - The development proposed is described as '1 additional, one bedroom self-contained flat with associated cycle parking, refuse storage, outdoor amenity spaces, landscaping and front boundary treatment (1.5 metre high railing)'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the property was undergoing internal works. The layout of the property appeared to correspond generally with the submitted proposed floorplans. However, for the avoidance of doubt, I confirm that I have based my decision on the drawings considered by the Council.

Main Issues

3. The main issues are the effect of the proposed development on a) the living conditions of future occupiers; and b) the provision of family accommodation.

Reasons

Living Conditions

4. The proposed changes would result in four separate units of accommodation within the building. Unit 4 would be split over two floors. The living area on the first floor would not be contained within the rest of the unit. Having a significant part of the unit's floor space outside the front door and on a completely different level does not suggest that the accommodation would function particularly well. When added to the fact that a large proportion of the second floor is compromised by the sloping ceiling at the front of the unit, a high standard of amenity for future users of this unit would not be provided.
5. Although concerns are raised regarding the lack of private outdoor space for the units, I see no reason why the rear garden could not be laid out with each of the flats having their own area of amenity space. The proposal could

therefore, subject to conditions, accord with amenity space provision set out in the London Plan Supplementary Planning Guidance on Housing.

6. I note that the first-floor unit would have a small under provision of built in storage. Even if I were to accept this transgression, it would not alter the harm I have identified in relation to Unit 4.
7. Overall, I have found that Unit 4 would be harmful to the living conditions of future occupiers. Accordingly, it is contrary to Policy D6 of the London Plan and DM Policy 32 of the Council's Development Management Local Plan (DMLP) which, amongst other things, seek to ensure developments are functional and well laid out to meet the requirements of future residents.
8. The relevance of Core Strategy Policy 1 is not clear to me in relation to this main issue and so I have not relied upon it in reaching my decision.

Family Accommodation

9. DM Policy 3 of the DMLP generally seeks to prevent the conversion of single family houses into flats. Single family houses are indicated within the supporting text to be a single house with three or more bedrooms. However, where the property is more than 130m², and it is adjacent to noise generating or other environmentally unfriendly uses or lacks suitable external amenity space, exceptions can be made and conversions permitted.
10. The appellant disputes the property previously offered family accommodation and so contends DM Policy 3 is not applicable. However, there is nothing in the site's planning history or appellant's statement to substantiate the claim that the ground and upper floor lawfully comprised separate units.
11. On the contrary, the planning history very much points towards the property having lawfully provided a single unit across the ground and first floors. Although there is no substantive information to indicate the number of bedrooms that were provided, in my opinion given its size, it is reasonable to assume that the first floor would have accommodated at least 3 bedrooms. I therefore consider DM Policy 3 to be applicable in this case.
12. Family housing is regarded by the policy as being a valuable resource which should be retained in order to meet identified housing need and provide housing choice. The Officer Report makes it clear that the proposal does not fall within any of the exceptions listed in DM Policy 3 and thus the conversion of the property is unacceptable in principle. Notwithstanding this, it is appropriate for me to consider whether the proposal would actually cause harm to housing choice in the area or specifically reduce the provision of family housing.
13. The proposed ground floor unit is shown on the submitted drawings as offering two bedrooms and an office space. I agree with the Council that in reality, given its size and shape, this 'office' could equally as likely be used as a third bedroom and so should be considered on that basis. As such, the unit would have one double bedroom, two single bedrooms, as well as a separate bathroom and open plan kitchen/living room.
14. The overall floorspace would accord with the space requirements of the London Plan for a 3 bedroom/4 person flat. The floor to ceiling height meets the requirements of the Nationally Described Space Standards and the Council considers this to be acceptable. I have no reason to disagree.

15. The submitted block plan indicates the rear garden would be a communal space for all of the proposed flats. As such, there is no dedicated private outside space for the ground floor flat, which the Council contends would require 7m². However, it seems to me that part of the rear garden adjacent to this flat could easily be dedicated and enclosed just for these occupiers. The proposed external access to the lower ground floor and access to the rear garden by the occupiers of the other flats could be protected without compromising a dedicated area for the ground floor flat. This could all potentially be controlled using conditions.
16. On this basis, I conclude that the ground floor flat would cater for a family, for example 2 parents and 2 children. Notwithstanding my conclusions in relation to the first main issue, other floors could provide different accommodation. There might be a technical conflict with DM Policy 3 but the proposal would not conflict with the overall aims and objectives of the policy in terms of delivering housing choice and retaining some family accommodation at the site. Delivering an additional choice of housing would also accord with London Plan Policy GG4 and Core Strategy Policy 1.
17. Weighing the above in the balance, and notwithstanding any conflict with DM Policy 3 of the DMLP, I am satisfied that the proposal can be justified in this instance in relation to this main issue. Providing additional homes and choice of accommodation would also accord with the National Planning Policy Framework's (the Framework) objectives for delivering homes.

Other Matters

18. The 2007 planning permission for the conversion of the lower ground floor into a separate flat included the provision of two car parking spaces, albeit they have not been provided. The current scheme proposed one car parking space and so would represent an alteration from what was previously approved. The appellant's appeal statement indicates that inclusion of parking was an error, and that it should have been omitted.
19. Instead, the appellant appears to seek to rely on the 2007 permission in order to provide parking. Even if the parking shown on that permission could still lawfully be provided, given the subsequent works to the building, it is not clear if that negates any further approvals from Transport for London. The inference in their representations is certainly that any new request for a connection to the highway is likely to be resisted. Thus, it seems far from clear that parking could now be provided.
20. Alternatively, in suggesting that the inclusion of car parking within the scheme was an error, the appellant may have been suggesting that the intention was now for the development to be car free. However, that is not a matter upon which the Council have had an opportunity to comment and is an evolution of the scheme beyond the remit of this appeal.
21. Despite the uncertainties I have outlined above regarding the provision of car parking, even if I were to find in favour of the appellant in relation to this matter, it would not overcome the harm I have identified nor my conclusions in relation to the effect of the proposal on the living conditions of the future occupiers of Unit 4.

Conclusion

22. Notwithstanding that there is compliance with some development plan policies and that there may be non-compliance with other policies which is not materially harmful, it is my finding that there is nevertheless conflict with the development plan when taken as a whole. There are no other considerations, including the provisions of the Framework, that outweigh this conflict.
23. I therefore conclude for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

Stewart Glassar
INSPECTOR