



Appeal Decision

Site visit made on 17 October 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/C5690/W/23/3321671

323 Brownhill Road, Lewisham, London SE6 1AL

- 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 Joseph Benjamin against the decision of the London Borough of Lewisham.
 - The application Ref DC/22/128730, dated 7 October 2022, was refused by notice dated 12 December 2022.
 - The development proposed is sub-division of main house to form a one bedroom dwelling with rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for sub-division of main house to form a one bedroom dwelling with rear extension at 323 Brownhill Road, Lewisham, London SE6 1AL in accordance with the terms of the application, Ref DC/22/128730, dated 7 October 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council's first reason for refusal on the Decision Notice refers to "Policy HGG4 'Delivering the homes Londoners need' of the London Plan (March 2021)". However, this policy's correct reference/title is Policy GG4. I have therefore used the correct policy title in this decision.

Main Issues

3. The main issues are:
 - The effect of the proposal upon local housing supply; and
 - Whether or not the proposed development would result in an overprovision of car parking, and/or makes adequate provision for car parking.

Reasons

Family housing

4. 323 Brownhill Road is a substantial two-storey, six-bedroom, mid-terrace dwelling with a relatively large rear garden area, and a hard surfaced area to the front. The main dwelling has a hipped roof design, and to the side is a pitched roof two-storey section, which is set slightly back and has an eaves height lower than that of the main dwelling. However, this side section is an original feature of the property as it is replicated at other identical house types along this part of Brownhill Road.

5. The proposal seeks to sub-divide the existing six-bedroom property into two dwellings, with the aforementioned side section of the existing property being converted into a 1x bedroom 2x person dwelling, and the main section of the dwelling becoming a 5x bedroom dwelling. Furthermore, a single storey flat roof extension would be constructed to the rear of the proposed 1x bedroom dwelling.
6. Each dwelling would have their own main access/entrance door in the front elevation, and a door in the rear elevation which will provide access to their respective rear garden areas which will be created by subdividing the existing rear garden. To the front the dwellings would share the forecourt area.
7. DM Policy 3 of the Council's Development Management Local Plan 2014 (DMLP) relates to the conversion of a single-family house into two or more dwellings, and is a policy that restricts such conversions, unless the existing house is considered not suitable for family accommodation in accordance with certain criteria. DM Policy 3 therefore intends to protect family houses, for which the supporting text of this policy identifies that there is a need for within this borough.
8. DM Policy 3 is therefore reflective of paragraph 62 of the National Planning Policy Framework (the Framework) insofar as it expects each Local Planning Authority to develop policies to meet the different types of accommodation needed in its area. This policy also reflects the similar aims of Policy GG4 of the London Plan (2021) which seeks to provide houses for identified needs, and Policy 1 of the Council's Core Strategy (2011) (CS), which seeks to ensure new development provides family housing.
9. I note the appellant's submission that the wording in DM Policy 3 makes reference to flats and not dwellings and therefore should not be applicable to this appeal proposal. However, the title of the policy specifically states "Conversions of a single family house to two or more dwellings" and as mentioned above the supporting text makes it clear that this policy seeks to retain family houses. I therefore consider this policy to be appropriate in the context of this appeal which involves the sub-division of a family home, and this approach is consistent with that taken by a previous Inspector¹ in respect of the relevance of this policy.
10. CS Policy 1, and the supporting text to DM Policy 3, both make reference to family housing being properties with 3+ bedrooms. As such the existing dwelling, being 6x bedroom is a large family dwelling.
11. As such, the proposal does conflict with the requirements of DM Policy 3 insofar as it would result in the conversion / sub-division of a single-family house. However, in this case the weight to be given to the conflict with this policy is considered to be limited as the proposal would still provide a large family dwelling that would consist of 5x bedrooms, with a significant area of private outdoor amenity space to the rear. Therefore, the proposal does not result in the net loss of a family dwelling and still meets the policy's underlying aim to retain large family dwellings.
12. Furthermore, the provision of a 5x bedroom family house would provide a slightly different type and mix of family house on the street, and the additional

¹ APP/C5690/W/19/3222394

provision of a 1x bedroom dwelling would also provide an alternative house type. This would be in line with the Council's housing provision strategy, with paragraph 7.7 of the CS stating that the Council is seeking to create socially mixed communities with a greater housing mix, size, type and location in order to represent the needs of the Council's diverse community, as well as Policy GG4 of the London Plan which seeks to create mixed and inclusive communities.

13. Additionally, the provision of an additional residential unit would make a positive, albeit small, contribution to the Council's housing land supply and help to deliver the pressing need for more homes in London, as acknowledged within Policy GG4 of the London Plan.
14. I acknowledge the Council's Planning Officer Report makes reference to three appeal decisions, however I have not been provided with any substantive details beyond the addresses and planning appeal reference numbers, or any comparison with the current appeal proposal. Nevertheless, having reviewed the Decision Letters I do not consider these appeals to be directly comparable to the current appeal proposal as two² sought permission to convert family dwellings into flats. The third³ did seek to subdivide a family dwelling into a 1x bedroom dwelling, and a 3x bedroom dwelling, however the size of the resulting 3x bedroom dwelling was below the Technical Housing Standards⁴ and found to have a harmful effect on the living conditions of future/existing occupiers, and thus was contrary to the relevant policies and would not have provided a suitable family home. Whereas the current appeal proposal seeks to retain a large 5x bedroom dwelling, which would remain wholly suitable for family housing. As such, these appeal decisions carry limited weight in my determination of this proposal.
15. I therefore conclude that whilst the proposal to subdivide this 6x bedroom family dwelling would be contrary to Policy DM3 of the DMLP, the conflict with this policy is limited as the proposal would retain a large 5x bedroom family dwelling, thus there would be no net loss in family housing arising from this proposed development, and the proposal would result in an alternative size of family accommodation being provided on this street.
16. I find no conflict with CS Policy 1 and London Plan Policy GG4 arising from the proposed development, insofar as they relate to the provision of family housing, as the proposal would still retain a family dwelling on site. Furthermore, the provision of an additional 1x bedroom dwelling not only accords with London Plan Policy GG4 and the Framework, which both seek to ensure more homes are delivered, as well as mixed and inclusive communities are provided, but is also a benefit of the proposal that carries positive weight as it adds to the Council's supply of housing.
17. As such, and in this case, the limited conflict arising from the failure of the proposal to accord with Policy DM3 is outweighed by the compliance with other relevant policies of the development plan, and the aforementioned benefits arising from the proposed development.

² APP/C5690/W/20/3247532 and APP/C5690/W/19/3223329

³ APP/C5690/W/19/3222394

⁴ Technical Housing Standards – nationally described space standard, March 2015

Parking provision

18. The second reason for refusal on the Decision Notice states that the proposal would result in an overprovision of parking and fails to promote sustainable modes of transport. Whilst the submitted plans do not show any parking provision within the appeal site, the Officer Report explains that the front forecourt area is large enough to provide parking spaces for the two dwellings, which could exceed the maximum requirements and could be contrary to T6.1 of the London Plan. The Officer Report also points out that if cars were to park within the area at the front of the proposed dwellings, this would be illegal as there is currently no dropped crossing.
19. The Officer Report then continues by stating that no information has been submitted, by way of a parking survey, to demonstrate that the proposal would not have an unacceptable impact on on-street parking in this area, however I find this comment to be contradictory to the reason for refusal, which states that the proposal will result in an overprovision of car parking at the site.
20. Nevertheless, CS Policy 14 states that a managed and restrained approach to car parking provision will be adopted to continue the objectives of traffic reduction, and this Policy, as well as DM Policy 29, states that the parking standards contained within the London Plan will be used as a basis for assessment.
21. London Plan Policies T6 and T6.1 set out the maximum parking standards for residential development. The appeal site is located within a PTAL 2 area and these policies therefore allow a maximum of 1x car parking space for the 5x bedroom dwelling and 0.75 space for the 1 x bedroom dwelling. As such, in accordance with the London Plan the proposal would be permitted a maximum of 2x car parking spaces, when rounded up to the nearest whole number.
22. In respect of overprovision of parking, whilst the submitted details do not show that cars will be parked at the front of the property, I consider that this forecourt area could accommodate at least two vehicles off-street. Regardless of this however, the proposal does not propose any increase to the hard surfaced area to the front and as such the proposal would not result in any change to the existing parking provision on site. Therefore, the level of parking provision would be no different to the existing arrangement where at least two cars can currently park at the front of the property, notwithstanding the legal issue raised by the Council in respect of the raised kerb.
23. Consequently, the sub-division to two dwellings would not result in any more car parking spaces, or bedrooms, than that currently provided in respect of the property's existing use as a single dwelling. As such, the proposal would not result in an overprovision of parking at the site when compared to the existing arrangement.
24. In respect of the Council's alternative concern that the proposal would have an unacceptable impact on on-street parking. Foremost, if all cars associated with the proposed dwellings were to park in the front forecourt area, as detailed in the above scenario, there would be no impact upon on-street parking.
25. If however, cars associated with the proposed development did not park in the forecourt area the proposal would potentially result in an increase in demand for on-street parking arising from the additional 1x bedroom dwelling only, as

the demand for on-street parking arising from the existing use of the property as a six-bedroom dwelling would still exist regardless.

26. Nevertheless, in the scenario where cars do not use the forecourt area for parking, I consider that the level of potential overspill parking arising from this development would be low, and in any case the established use as a family dwelling would likely result in some on-street parking if the forecourt area is not used. As such, the proposal would not have an unacceptable impact on on-street parking.
27. Furthermore, whilst in PTAL 2, I observed on my site visit that the location has reasonable access to public transport links, including a train station approximately 10mins walk from the site and nearby bus stops which provide direct 10mins access to Catford Centre. Alternatively, Catford Centre is approximately 20 mins walk from the appeal site and includes a good variety of shops and amenities. Therefore, occupiers of the proposed development would not necessarily require their own car, and the use of alternative sustainable transport modes should be encouraged.
28. Additionally, I am mindful that in the absence of an unacceptable impact on highway safety, there is no conflict with paragraph 111 of the Framework, and this is a further material consideration in favour of the proposal.
29. In view of all the above, I conclude that the proposed sub-division into two dwellings would not result in an overprovision of parking at this site in comparison to the existing use of the property, nor would it result in an unacceptable demand for additional on-street parking in this area. The proposal therefore accords with CS Policy 14, DM Policy 29 of the DMLP, and Policies T4, T6, and T6.1 of the London Plan, which together require, amongst other things, a managed and restrained approach to car parking provision, car parking to be restricted in sustainable locations that are well connected and accessible by public transport, and development to be considered against the maximum parking standards in the London Plan.

Other Matters

30. I note the interested party's comments in respect of the change in land levels at the rear of the property, and the resulting height of the proposed rear extension when measured from true garden level. However, based on my observations on site I agree with the assessment of the Council that the proposed development would not result in significant harm to the living conditions of neighbouring properties.
31. In respect of the queries raised regarding the party wall and how the proposed extension would be joined to the neighbouring property, these are private issues and are therefore not matters that I can take into account in the determination of this appeal.
32. A concern has also been raised in respect of discrepancies between figures cited in the Design and Access Statement and those shown on the submitted plans. The appeal has been determined in accordance with the details shown on the submitted plans.

Conditions

33. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 56 of the Framework, and advice contained in the Planning Practice Guidance.
34. In addition to the standard time limit condition, I have attached a condition specifying the approved plans to provide certainty, as well as a condition requiring the use of matching materials to safeguard the character and appearance of the area.
35. A condition requiring details of the bins storage and recycle facilities to be submitted has been attached. This condition is necessary in the interest of visual amenity and to safeguard the living conditions of neighbouring occupiers. Furthermore, a condition requiring details of the cycle storage facilities to be provided within the site has been included to support the use of sustainable modes of transport.
36. In order to protect the living conditions of occupiers of neighbouring properties a condition has been included to specify that the flat roof area above the proposed single storey rear extension shall not be used as a balcony or roof terrace area.

Conclusion

37. For the reasons set out above, I have found that the harm arising from the conflict with DM Policy 3 of the DMLP to be limited, and this conflict is outweighed by the compliance with other relevant policies of the development plan, and the aforementioned benefits arising from the proposed development. As such, the proposal accords with the development plan when taken as a whole and I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR

Schedule of Conditions

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development shall be carried out in accordance with the following approved plans:
 - PL-2214-1-900
 - PL-2214-2-900 Rev B
3. The materials to be used in the construction of the external surfaces of the single storey rear extension hereby approved shall match those used in the existing building.
4. Notwithstanding the details shown on the approved plans and the requirements of condition 2, the development hereby approved shall not be occupied until details of refuse and recycling facilities for each dwelling, have been submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be provided on site in accordance with the approved details prior to first occupation of the development hereby approved and retained as such thereafter.
5. Notwithstanding the details shown on the approved plans and the requirements of condition 2, the development hereby approved shall not be occupied until details of the siting, number and design of secure cycle parking spaces for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided on site in accordance with the approved details prior to first occupation of the development hereby approved and retained as such thereafter.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the flat roof area above the single storey rear extension hereby approved shall not be used as a balcony, roof garden or similar external amenity area.

*****END OF CONDITIONS*****