



Appeal Decision

Site visit made on 12 December 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2024

Appeal Ref: APP/C5690/W/23/3320682

118 Hither Green Lane, Hither Green, Lewisham, London SE13 6QA

- 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 Shloimy Shok against the decision of London Borough of Lewisham Council.
 - The application Ref DC/22/128235, dated 29 August 2022, was refused by notice dated 2 February 2023.
 - The development proposed is extension of existing basement together with provision of skylight above ground floor level. Construction of a first-floor rear extension together with a rear dormer extension to facilitate the conversion of the existing upper floors (HMO) into 1 x studio flat and 1 x 1 bedroom flat, alterations to rear fenestration and provision of internal cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal documents show that the Council altered the description of the development in agreement with the appellant. The appellant has not disputed this. I have therefore used the Council's description in the banner heading above, insofar as it describes development.
3. In 2016, planning permission was granted on appeal for the construction of a part one/part two storey extension incorporating roof terraces at the rear of the property, together with the construction of a dormer in the rear roof slope and the installation of a roof light in the front roof slope and the alteration of the existing flat to provide 1xstudio and 1x1 bedroom self-contained flats¹. The submitted evidence indicates that there are differences between that scheme and the appeal before me in terms of the development's scale, proposed materials and outdoor amenity space.
4. The Council's statement of case refers to an additional concern regarding the studio flat insofar as it relates to the floorspace requirements of the London Plan 2021 (LonP). Although this was not referred to in the Council's officer's report or decision notice, the appellant would have had an opportunity to provide comments on this matter during the appeal process. Accordingly, I do not consider that their interests would be prejudiced if I take the Council's additional concern into account in my consideration of the appeal.

¹ Appeal Ref. APP/C5690/W/16/3150229, dated 08 September 2016

5. On my site visit, I observed that a dormer has been constructed in the rear roof slope of the appeal property. However, the evidence indicates that the rear dormer has not been built in accordance with the plans approved in the previous appeal scheme. The application has therefore been submitted part-retrospectively. It is also common ground between the parties that the site is currently in use as a House in Multiple Occupation (HMO).
6. Notwithstanding the planning history of the appeal site, the proposal has been submitted as a separate, stand-alone application. I have considered the appeal on this basis, and with consideration to the submitted drawings and my own observations of the site and surroundings.
7. The National Planning Policy Framework (the Framework) was revised in December 2023. However, the changes do not materially affect the main issues in this case.

Main Issues

8. The main issues are:

- the effect of the rear dormer extension on the character and appearance of the host building and local area; and
- whether the proposed development would provide an adequate standard of accommodation for future occupiers, with particular regard to internal living space and external amenity space.

Reasons

Character and appearance

9. The host building is a three-storey mid terrace property with basement, which forms part of a shopping parade on Hither Green Lane. The rear elevation of the host terrace, including the appeal property, is visible from Harvard Road and Fordyce Road. The property's appearance is characterised by its architectural detailing, which is typical of many properties in the area and includes stock brick walls and a shallow roof pitch, with chimney stacks at the boundaries between the terraced properties.
10. The Council has not raised any objection to the proposed basement extension, skylight, first-floor extension, or to the principle of the proposed conversion to self-contained flats. From the evidence, and my own observations, I have no reason to take a different view on these elements of the proposal. Therefore, I have focused my consideration of this main issue on the effect of the rear dormer extension, for which permission is being sought retrospectively.
11. On my site visit, I observed that a number of properties on the host terraced block and adjacent streets have constructed dormer extensions to their rear roof slopes. I do not have full details before me to establish the status of those dormers. However, it is clear from the evidence, and my own observations, that the majority of the nearby dormers are materially different from the appeal proposal, in that they are typically set-in and set-back from the eaves, ridge and sides of the roof structure. Consequently, parts of the original roof slope remain exposed.
12. The dormer on the appeal property is materially different from the majority of other dormers in the locality in that it is wider and taller, and consequently it

has a bulkier appearance. The dormer extends across the full width of the host roof slope and, along with its white fascia, it conceals the entirety of the roof structure and the eaves beneath it from public views. In this regard, the development does not comply with the guidance set out in the Lewisham Local Plan Alterations and Extensions Supplementary Planning Document (2019) which states, amongst other things, that rear dormers should be set in from party walls by at least 0.3m.

13. The dormer has been constructed with blue-grey fibre cement tiles and contrasting white fenestration. These materials are commonly used on dormer extensions, including on other dormers in the locality. However, when combined with its excessive scale and mass, the dormer has a poor-quality appearance, which overwhelms the property and detracts from its architectural integrity. Consequently, the dormer is unduly dominant in views from Harvard Road and Fordyce Road, particularly given the gradient of the streets which slope upwards towards Hither Green Road.
14. I have had regard to the dormer extension that has previously been permitted at the site. However, the evidence indicates that the design of the permitted dormer is materially different from the proposal due to the combined effect of its reduced massing and height and proposed external materials. Therefore, whilst I have had regard to the planning history of the site, I have considered the appeal scheme on its own merits, and with regard to the development plan and other material considerations at the time of this decision.
15. I conclude that the proposed development would cause harm to the character and appearance of the host building and local area. It would therefore be in conflict with Policy 15 of the Lewisham Local Development Framework Core Strategy Development Plan Document (CS), Policies DM30 and DM31 of the Lewisham Local Development Framework Development Management Local Plan (2014) (LP), and the Framework which, taken together and amongst other things, expect development, to achieve a high standard of design, and for roof extensions to be set back into the roof slope.

Living conditions

16. The proposed development would convert the existing HMO to a one-bedroom flat for two occupants set across the second floor and loft space, and a single occupancy studio flat on the first floor.
17. Amongst other things, Policy DM32 of the LP resists single person dwellings other than in exceptional circumstances and states the developments should have exceptional design quality and be in highly accessible locations. It is common ground between the parties that the site is highly accessible and, based on the evidence and my own observations, I have no reason to disagree.
18. However, whilst the proposed one-bedroom flat would exceed the minimum internal space standards set out in Policy D6 of the LonP, the studio flat would fall short of the 39sqm that is required for one-person flats set over one storey and with a bathroom.
19. The submitted drawings show that, in addition to a private bathroom, separate zones would be laid out within the studio flat to demarcate areas for cooking, dining and sleeping. However, given the deficiency in its overall floorspace, movement within the flat would be tightly constrained and there would be

limited space available between fixed units and walls for the placement of furniture. Consequently, circulation room around the property would be compromised to the degree that the dwelling would feel cramped and unpleasant for future occupiers. Accordingly, the studio flat would not meet the requirements set out in Policy DM32 of the LP in terms of its design quality.

20. Policy D6 of the LonP also requires that a minimum of 5sqm of private outdoor space is provided for 1-2 person dwellings. This requirement is echoed in the Mayor of London Housing Supplementary Planning Guidance (2016). Given that no private outdoor space is proposed for either dwelling, the proposal clearly falls short of this requirement. I have had regard to the occupancy level of the proposed dwellings, and the proximity of nearby public parks. I have no doubt that these would provide occupiers with conveniently located areas for exercise and play. However, they would not fulfil basic private space requirements such as outdoor seating and an area for clothes drying. Moreover, the standards set out in Policy D6 of the LonP are minimum standards and there is no compelling evidence before me to justify that a departure from these standards should be made for the proposed development.
21. It has also been put to me that the proposal would offer an improvement in living conditions compared to the substandard accommodation within the existing HMO. However, the deficiencies with the existing property do not negate the importance of providing adequate living conditions for future occupiers of the proposal and I therefore attach limited weight to this benefit.
22. Taking all of the above into account, I conclude that the proposed development would fail to provide an adequate standard of accommodation for future occupiers, with particular regard to internal living space and external amenity space. It would therefore be in conflict with Policy D6 of the LonP, Policy 15 of the CS and Policy DM32 of the LP which, taken together and amongst other things, expect development to offer high quality housing and satisfactory living conditions that meet minimum standards for internal living space and external amenity space.

Other Matters

23. The proposal would offer some social and economic benefits, including the delivery of additional homes within a sustainable location, with good access to services and facilities. It would contribute towards local housing targets and would make more efficient use of the land. These benefits would be supported by the Framework. However, the contribution that would be made to local housing supply by two dwellings would be minor, and there is limited evidence before me of any acute need for housing at the appeal site. I therefore attach limited weight to this matter in my consideration of the appeal.

Conclusion

24. The proposal conflicts with the development plan when read as a whole. There are no material considerations before me to indicate a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Catchside
INSPECTOR